

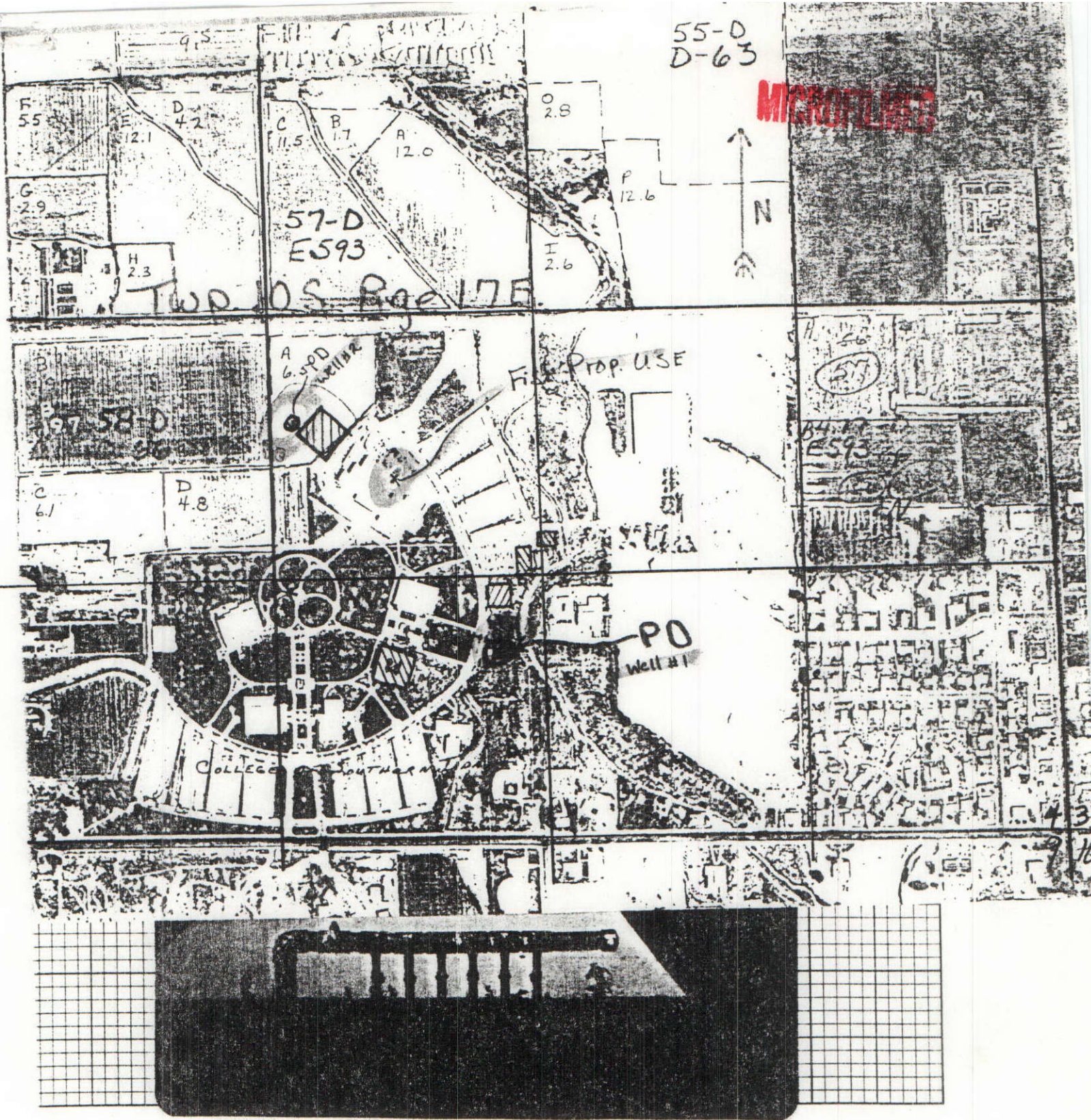
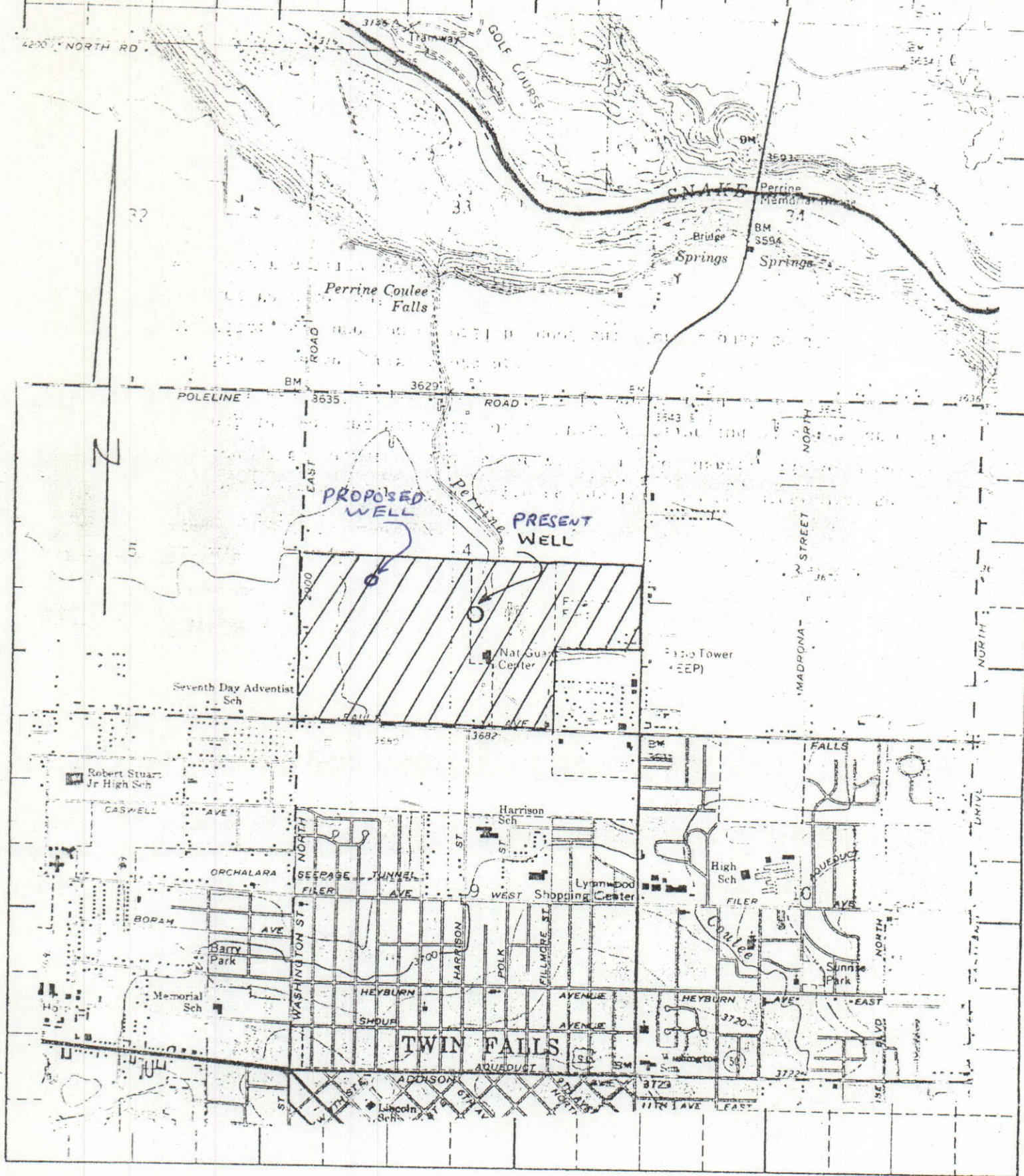


Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached

marks The two wells are not presently connected
plans are to connect them in the future. The heat
exchanger in Vo-tech "D" used to preheat the Domestic hot water
the only year-round heating use @ present. See Attached sheet
calculations. At present geothermal water runs continuously through
exchangers in Vo-tech "D" Plans are to connect them continuously. Attached is a
recommended Amendments

T 105 R 17E



Scale: 2 inches equal 1 mile

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NOTICE
AMENDMENT TO A
WATER PERMIT
NO. 47-7606

Notice is hereby given that College of Southern Idaho of Twin Falls, Idaho is the holder of approved permit No. 47-7606 authorizing the diversion of 15.00 cubic feet per second of water from groundwater in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4 T10S, R17E, B.M. County of Twin Falls, to be used for 15.0 cfs for space heating from Jan. 1 to Dec. 31; 15.0 cfs for Fish Propagation from Jan. 1 to Dec. 31 S $\frac{1}{2}$, Sec. 4, T10S, R17E

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

Point(s) of Diversion:
Well #1- SE $\frac{1}{4}$ SW $\frac{1}{4}$; Well #2- NE $\frac{1}{4}$ SW $\frac{1}{4}$; Well #3- SW $\frac{1}{4}$ SW $\frac{1}{4}$. Sec. 4, T10S, R17E; Fish Propagation- SE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 21, T10S, R17E

Place of Use: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 4; SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T10S, R17E

Any protest against approval of the amend-

Oath of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

N^o 14367

I, Linda Capps McSwine being first duly sworn under 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

July 19, 1984, and ending with the issue dated July 26, 1984.

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.

Linda Capps McSwine
Subscribed and sworn to before me on this 26 day of

September, 1984
Fielder D. Sawcett
Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho

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DEC 13 1979

Department of Water Resources
Southern District Office

EXPO PARKING

WALKWAY

EXPO.

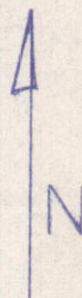
SETTLING
POND

(6) FISH PONDS
10' X 50' X 4' DEEP

25'

100' GLASS
GREENHOUSE

50'



PARKING

MICROFILMED

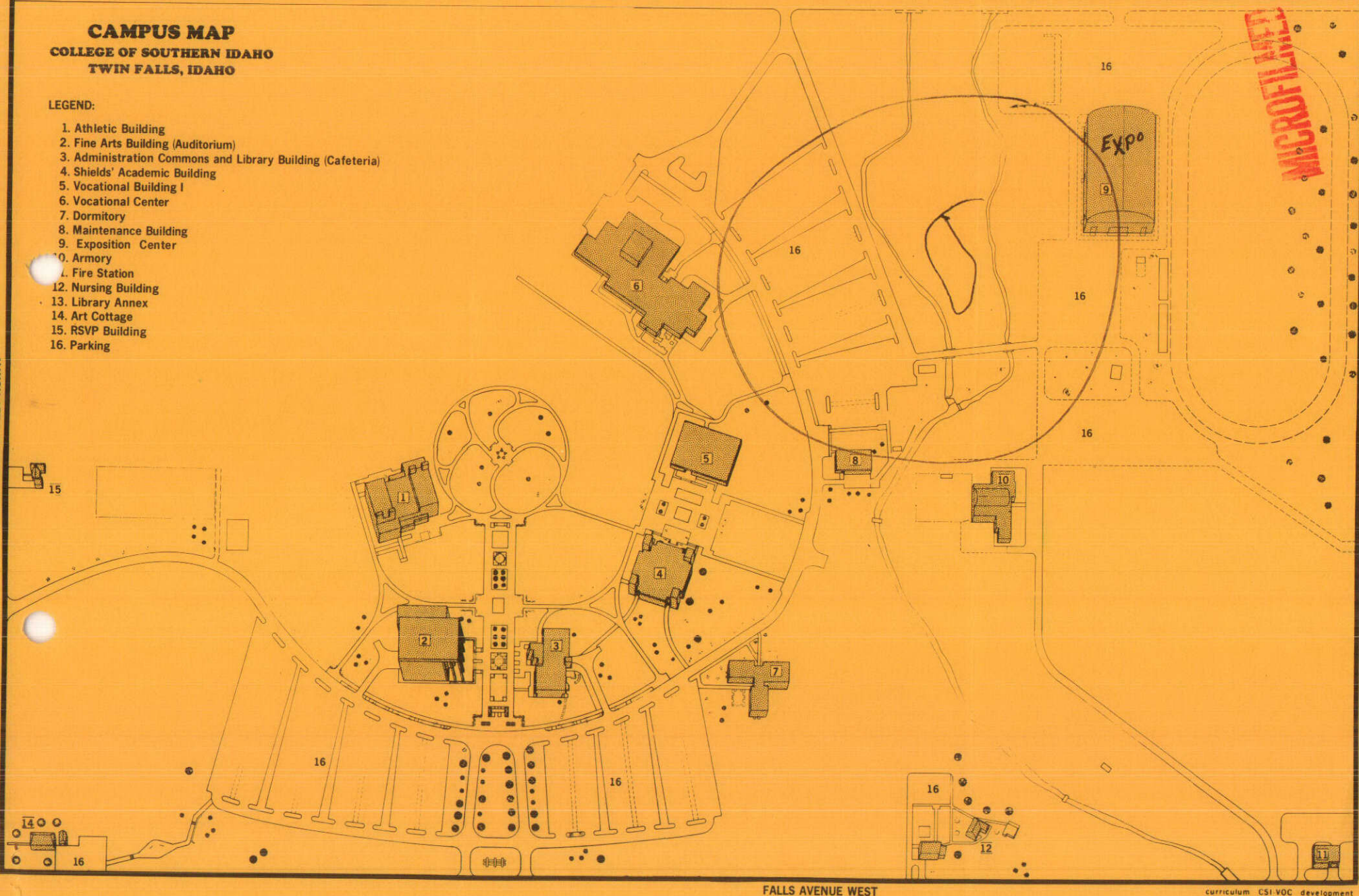
SCALE 1" = 100'

CAMPUS MAP

COLLEGE OF SOUTHERN IDAHO
TWIN FALLS, IDAHO

LEGEND:

1. Athletic Building
2. Fine Arts Building (Auditorium)
3. Administration Commons and Library Building (Cafeteria)
4. Shields' Academic Building
5. Vocational Building I
6. Vocational Center
7. Dormitory
8. Maintenance Building
9. Exposition Center
10. Armory
11. Fire Station
12. Nursing Building
13. Library Annex
14. Art Cottage
15. RSVP Building
16. Parking



FALLS AVENUE WEST

curriculum CSI VOC development

LEGAL NOTICE

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:

47-7806
COLLEGE OF SOUTHERN
IDAHO
P.O. BOX 1238, TWIN FALLS,
ID 83301

Source: GROUNDWATER

Date Filed: 12/05/1979

Amount: 15.00 CFS

Diversion Point: NWSW
NWSW Sec 04 T 10S R
17E, TWIN FALLS Co.

Use: HEATING (15.00 CFS)
from 01/01 to 12/31

FISH PROP. (15.00 CFS)
from 01/01 to 12/31

Place of Use: NESW NWSW
SWSW SESW NESE
NWSW SWSE SESE Sec
04 T 10S R 17E

Diversion Means: WELL,
MOTOR AND PUMP

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before JANUARY 7, 1980.

C. STEPHEN ALLRED

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS }

ss.

RECEIVED

No 8955

DEC 28 1979

I, Linda L. Capps, being first duly sworn upon oath, depose and say that I am Public 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 December 20, 1979, and ending with the issue dated December 27, 1979.

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; 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 27 day of

December, 1979.

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

CSI FISH CULTURE PROPOSED

200 gpm WILL BE
NEEDED AT FIRST

500 gpm FOR FUTURE
EXPANSION

CLASS ROOM

24 TANKS
FOR JUVENILE
FISH AND
EXPERIMENTATION

APPROX.
EACH 5' X 20' X 3' DEEP

TOTAL = 7200 CU FT.

6
DROPS IN EACH

PONES FOR
LARGE CATFISH
AND BAWMS
APPROX 50' X 150'
X 4' DEEP

EXIT TO ROCK CREEK

CANYON RIM

6' 0" APPROX

47' 0"

GARAGE

FISH TECHNOLOGY LAB

60' 0"

22' 0"

6' 0"

4' GATE

12' / 13'

GATES

43' 0"

43' 0"

42' 0"

43' 0"

43' 0"

43' 0"

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43' 0"

FISH TECHNOLOGY
ROCK CREEK CANYON

FENCELINE - 2633' 0"

This is the existing
layout - not the
Proposed.

ROCK

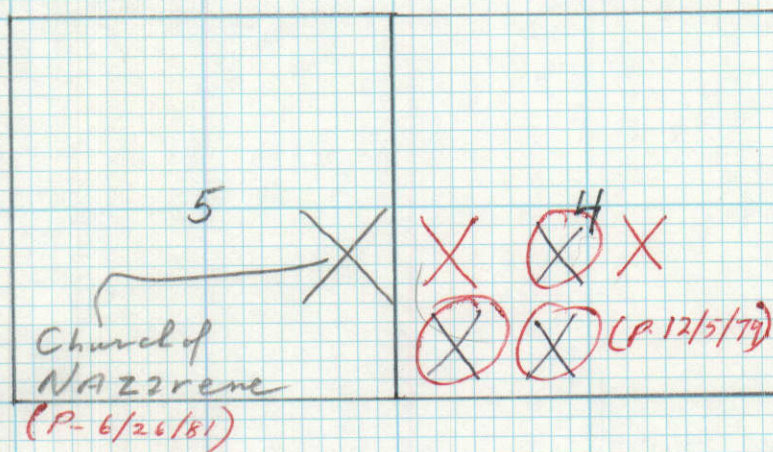
32' 0"

BRIDGE

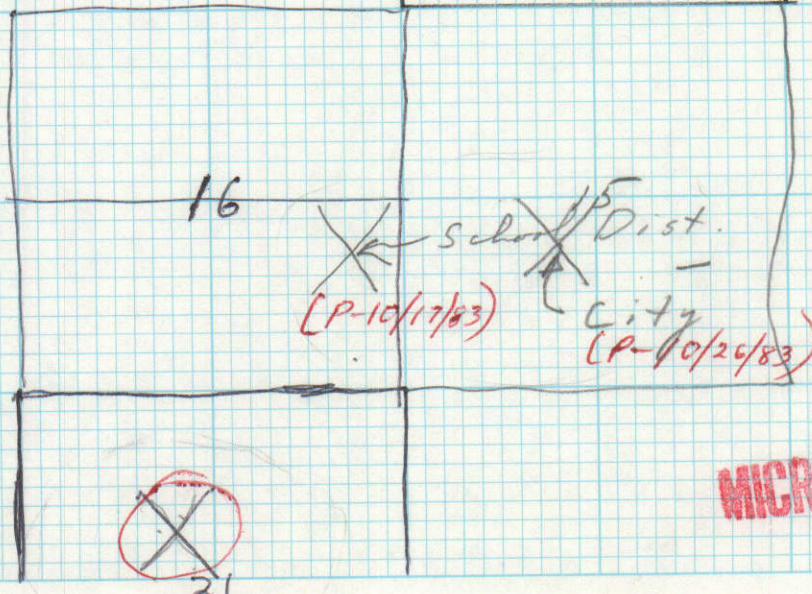
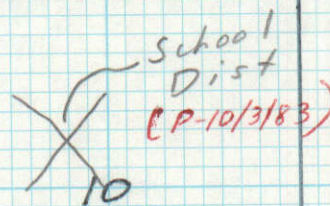
CREEK

APPROXIMATE

T 10 S
R 17 E

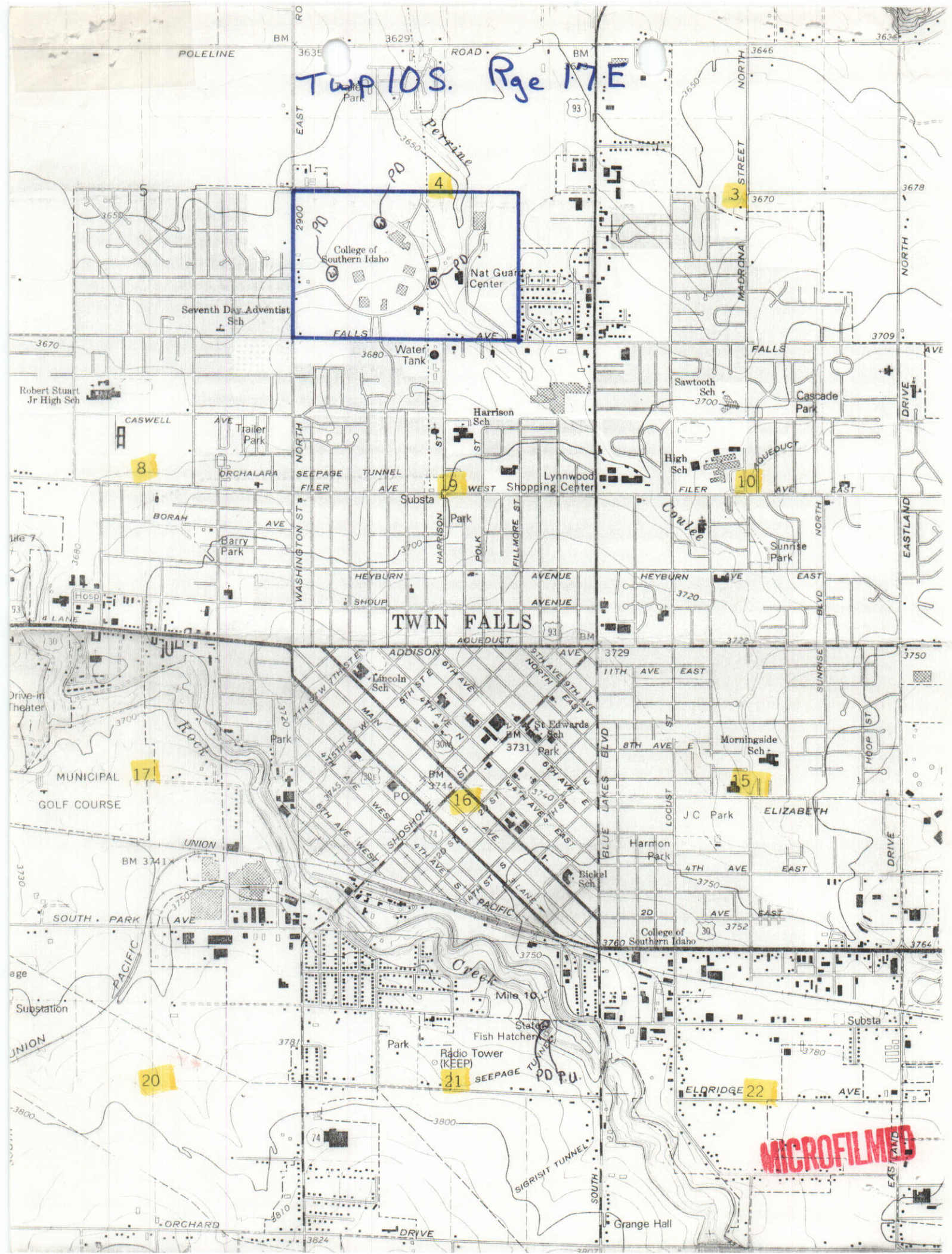


Original PDD X (2)
Amended PDD (X) (4)



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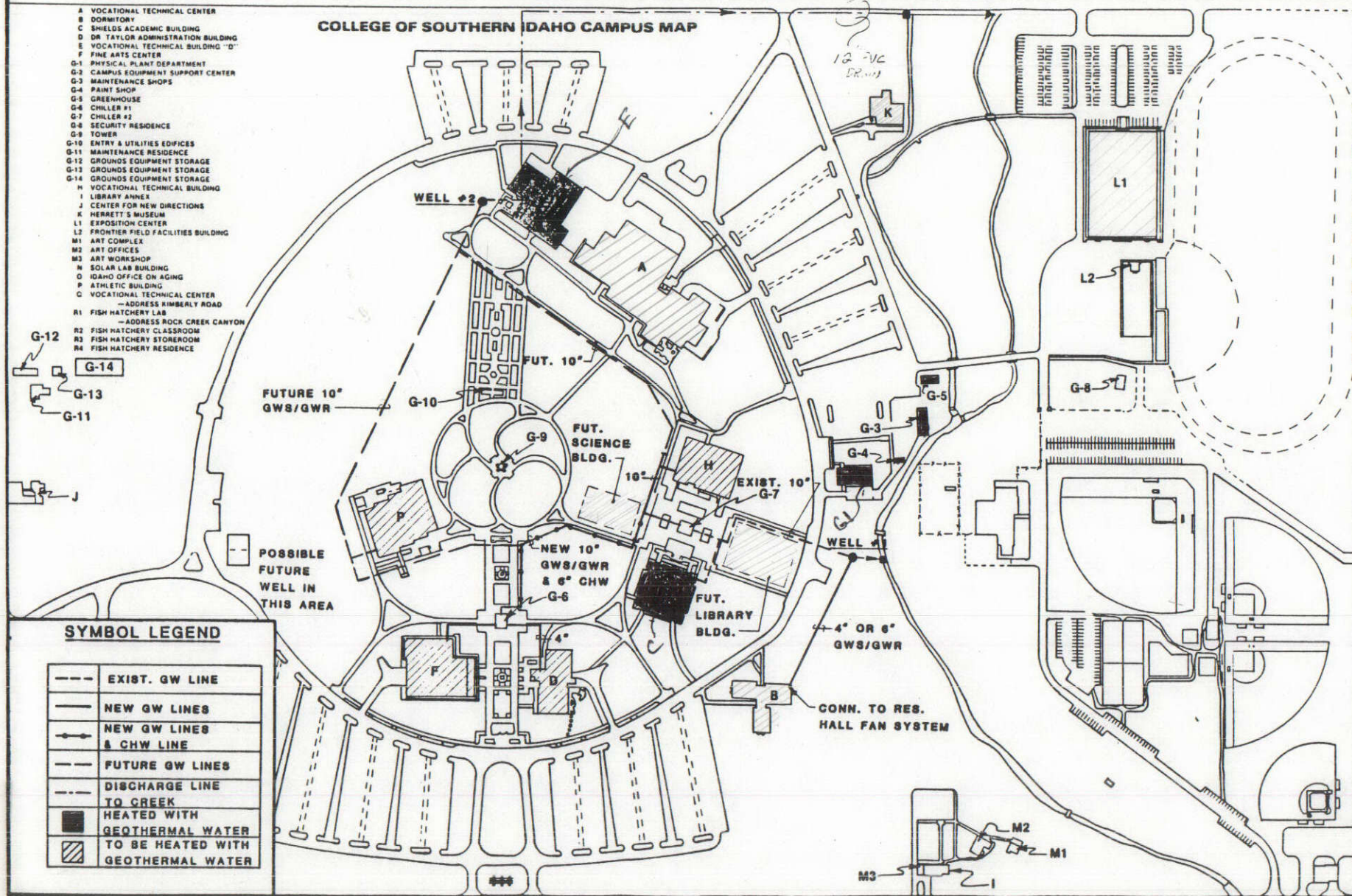
Twp 10S. Rge 17E



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COLLEGE OF SOUTHERN IDAHO CAMPUS MAP

- A VOCATIONAL TECHNICAL CENTER
- B DORMITORY
- C SHIELDS ACADEMIC BUILDING
- D DR TAYLOR ADMINISTRATION BUILDING
- E VOCATIONAL TECHNICAL BUILDING "D"
- F FINE ARTS CENTER
- G-1 PHYSICAL PLANT DEPARTMENT
- G-2 CAMPUS EQUIPMENT SUPPORT CENTER
- G-3 MAINTENANCE SHOPS
- G-4 PAINT SHOP
- G-5 GREENHOUSE
- G-6 CHILLER #1
- G-7 CHILLER #2
- G-8 SECURITY RESIDENCE
- G-9 TOWER
- G-10 ENTRY & UTILITIES EDIFICES
- G-11 MAINTENANCE RESIDENCE
- G-12 GROUNDS EQUIPMENT STORAGE
- G-13 GROUNDS EQUIPMENT STORAGE
- G-14 GROUNDS EQUIPMENT STORAGE
- H VOCATIONAL TECHNICAL BUILDING
- I LIBRARY ANNEX
- J CENTER FOR NEW DIRECTIONS
- K HERBERT'S MUSEUM
- L1 EXPOSITION CENTER
- L2 FRONTIER FIELD FACILITIES BUILDING
- M1 ART COMPLEX
- M2 ART OFFICES
- M3 ART WORKSHOP
- N SOLAR LAB BUILDING
- O IDAHO OFFICE ON AGING
- P ATHLETIC BUILDING
- Q VOCATIONAL TECHNICAL CENTER
--ADDRESS RIMBERLY ROAD
- R1 FISH HATCHERY LAB
--ADDRESS ROCK CREEK CANYON
- R2 FISH HATCHERY CLASSROOM
- R3 FISH HATCHERY STOREROOM
- R4 FISH HATCHERY RESIDENCE



SYMBOL LEGEND

---	EXIST. GW LINE
---	NEW GW LINES
---	NEW GW LINES & CHW LINE
---	FUTURE GW LINES
---	DISCHARGE LINE TO CREEK
■	HEATED WITH GEOTHERMAL WATER
▨	TO BE HEATED WITH GEOTHERMAL WATER

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APR 30 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 600.00
Date 4-30-93
Receipt No. 0637370
Receipt by [Signature]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 47-07606 Telephone No. (208)734-0353
2. Name(s) of Permit Holder(s): College of Southern Idaho
3. Mailing Address: P. O. Box 1238 Twin Falls, ID 83303-1238
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: Boley & Henry Date Drilled: 1979, 1981

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

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

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

Irrigation _____ (No. of acres) Other Geothermal Space Heating

6. Total rate and/or volume for which proof is submitted 4.54 cfs OR 2328.2 acre/feet
($4.54 \text{ CFS} \times 1.98 \text{ A.F./degree day} \times 259 \text{ days} = 2328.2 \text{ A.F.}$)
7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ 600 (See License Fee Schedule on back of Instruction Sheet)
9. Person to contact to accompany the Department representative during field examination of the water system.

Name Don Buettner Telephone No. 734-0353

Address P. O. Box 1238 Twin Falls, ID 83303-1238

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.

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MAY 21 1993

4/28/93

Date

[Signature] (Exec. V.P.)
President, College of So. Idaho

Signature (and title, if on behalf of a company or organization)

AGREEMENT

This Agreement, made and entered into this 22nd day of July, 1987, by and among THE IDAHO DEPARTMENT OF WATER RESOURCES, an executive agency of the State of Idaho (hereinafter "IDWR"); COLLEGE OF SOUTHERN IDAHO, a junior college district (hereinafter "CSI"); PROFESSIONAL INVESTORS LIFE INSURANCE COMPANY, a corporation with principal offices in Tulsa, Oklahoma (hereinafter "Professional"); J.D. MCCOLLUM and JEAN MCCOLLUM, husband and wife, of Twin Falls County, Idaho (hereinafter "McCollum"); SCHOOL DISTRICT 411, an instrumentality of the State of Idaho (hereinafter "411"); MICHAEL KESTLER, an individual of Twin Falls County, Idaho (hereinafter "Kestler"); GARY STONE, an individual of Twin Falls County, Idaho (hereinafter "Stone"); FIRST CHURCH OF THE NAZARENE (hereinafter "Nazarene"); HYDROTUBE OF IDAHO (hereinafter "Hydrotube"); ARNOLD ELSING and RONALD ELSING, individuals of Twin Falls County, Idaho (hereinafter "Elsing"); MAGIC GARDENS (hereinafter "M.G."); and the CITY OF TWIN FALLS, IDAHO (hereinafter "City");

Whereas, the Director of the Department of Water Resources will consider this Agreement as limiting for the purpose of implementing Idaho Code 42-1805(7) which authorizes the Director to suspend further development of existing water rights; and

Whereas, the parties hereto (except IDWR) are the holders of valid water permits and licenses issued by IDWR, or have filed applications which IDWR has not yet approved for the purpose of diverting and beneficially using hot water from a common hot water aquifer that underlies portions of Twin Falls and Jerome Counties in the vicinity of the City of Twin Falls, Idaho; and

Whereas, the parties hereto are desirous of entering into an agreement amongst themselves and IDWR setting forth their respective rights and obligations as to the hot water, for the purpose of resolving the interfaces between the parties, and securing the dismissal of the pending lawsuit; and

Whereas, the parties are concerned that the hot water be used for the heat resource and not as a substitute where cold water is adequate for a particular beneficial use and the parties are concerned about their rights to use the hot water in the future, and are agreeable to limit their rates of

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diversion under their respective rights to facilitate this Agreement conditioned upon protective action of IDWR; and

Whereas, because there is inadequate data necessary to determine whether or not the average annual recharge (hereinafter "AAR") of the aquifer has been reached which would allow conversion of the present Groundwater Management Area designation to a Critical Groundwater Area; and because it will take at least five years of data to make such a determination, the Director of IDWR is willing to declare a five (5) year moratorium pursuant to I.C. §42-1805(7) and Rule 7 of the Water Appropriation Rules and Regulations of the State of Idaho, and applications for permit will not be approved during the moratorium; and

Whereas, all the parties to this Agreement are parties to Twin Falls County Civil Case No. 37298 and agree that this Agreement may be treated as their consent to a stipulation for dismissal without prejudice of Twin Falls County Civil Case No. 37298, and incorporated in the order of dismissal thereof;

Now, therefore, in consideration of the mutual covenants and agreements herein contained and the dismissal of Civil Case No. 37298, and other good and valuable consideration, the parties hereto agree as follows:

1. The parties hereto agree that the primary use of all water diverted from the common hot water aquifer will be for the heat resource and agree that no diversions will be made as a substitute for uses not requiring hot water, except as provided in this Agreement. Additional secondary uses of the water are permitted in accordance with the water right of each party. All water diverted shall be used efficiently only for purposes authorized by the licenses, permits and applications hereinafter set out, and the parties agree to construct, operate and maintain their wells in accordance with existing state criteria and will do those things necessary to prevent surface and subsurface waste or contamination as required by Idaho law. The parties hereto also agree to, and hereby grant IDWR permission to inspect the wells at anytime and collect data as determined necessary by IDWR, and will submit data concerning flows, pressures, temperature, and other information as requested by IDWR at least quarterly. Charges incurred by IDWR in the collection and evaluation of the data requested (not to exceed a total of \$1,000.00 per year without the consent of the parties) shall be billed by IDWR to the parties to this Agreement in proportion to their actual diversions in accordance with this Agreement, and such billings shall be due within 30 days of mailing by IDWR, and if unpaid, shall be considered a lien against water right without further perfection or notice.

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2. Professional is the holder of License No. 36-7130 for the diversion of 6 cfs of hot water from a well located in the NW 1/4 of the NW 1/4 of Section 29, Township 9 South, Range 17 East Boise Meridian, Jerome County, Idaho. Professional agrees that hereafter, during the continuance of this Agreement, they will divert no more than 4.5 cfs of water pursuant to said license and that the primary use of said water shall be for beneficial uses which utilize the heat resource of the water. Professional also agrees that diversions under Application No. 36-8094 for non-consumptive use for power generation (if Application No. 36-8094 be issued) shall be an additional use of the same 4.5 cfs, so that during the continuance of this Agreement, Professional shall divert no more than a total of 4.5 cfs under license.

3. CSI is the owner of Permit Nos. 47-7478 and 47-7606. CSI has submitted proof on 1.21 cfs under Permit No. 47-7478. Permit No. (47-7606) was granted an extension until 1/1/1990 for 7.76 cfs. The total potential diversion under the two permits is 8.97 cfs. CSI agrees that it will limit its development to a total of 6 cfs under both permits in consideration of reaching this agreement, and that the primary use of said water shall be for beneficial uses which utilize the heat resource of the water.

4. McCollum is the owner of Permit Nos. 47-7758 and 47-7813 providing for the development of up to 25 cfs of water from the common hot water aquifer. McCollum currently diverts 6.6 cfs and herein agrees to limit total diversions under both permits from the common hot water aquifer to 8.1 cfs. McCollum agrees that the primary use of all current and future diversions shall be for beneficial uses which utilize the heat resource of the water in an efficient and reasonable manner, except for .5 cfs currently used for irrigation only, which use all parties agree may continue. If McCollum diverts more than 6.6 cfs from the common hot water aquifer, he agrees to reduce his use of hot water by the amount exceeding 6.6 cfs upon 90 days written notice if the other parties to this agreement can insure delivery in accordance with state law of high quality cold water in exchange therefor at no additional cost to McCollum.

5. 411 is the holder of Permit No. 47-7964 providing for the development of 1.11 cfs and has presently developed .5 cfs for heating purposes. In consideration for this Agreement, 411 agrees that their diversions from the common hot water aquifer shall be limited to .75 cfs for beneficial uses which utilize the heat resource of the water.

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6. Kestler is the holder of Permit No. 47-7492 providing for the development of .31 cfs. In consideration for this Agreement, Kestler agrees that his diversions from the common hot water aquifer shall be limited to .31 cfs for beneficial uses which utilize the heat resource of the water.

7. Stone is the holder of Permit No. (47-7714) providing for the development of 2 cfs. In consideration for this Agreement, Stone agrees that his diversions from the common hot water aquifer shall be limited to .5 cfs for beneficial uses which utilize the heat resource of the water.

8. Nazarene is the holder of Permit No. 47-7745 providing for the development of .70 cfs. In consideration for this Agreement, Nazarene agrees that its diversions from the common hot water aquifer shall be limited to .70 cfs for beneficial uses which utilize the heat resource of the water.

9. Hydrotube is the holder of Application No. 47-7872 providing for the development of .20 cfs. In consideration for this Agreement, Hydrotube agrees that its diversions from the common hot water aquifer shall be limited to .10 cfs for beneficial uses which utilize the heat resource of the water.

10. Elsing is the holder of Permit No. 47-7875 providing for the development of .30 cfs. In consideration for this Agreement, Elsing agrees that his diversions from the common hot water aquifer shall be limited to .15 cfs for beneficial uses which utilize the heat resource of the water.

11. M.G. is the holder of Application No. 47-7966 providing for the development of 1 cfs. In consideration for this Agreement, M.G. agrees that its diversions from the common hot water aquifer shall be limited to .5 cfs for beneficial uses which utilize the heat resource of the water.

12. City is the holder of Permit No. 47-7969 providing for the development of 1.92 cfs. While this Agreement is in no way intended to bind IDWR as to the status of the permit, City agrees that if its permit is not cancelled and remains in good standing, its diversions from the common hot water aquifer shall be limited to .95 cfs for beneficial uses which utilize the heat resource of the water.

13. Sun Ventures, LTD. is the holder of Application No. 36-8137 providing for the development of 48 cfs. The parties hereto (except IDWR and Professional) acknowledge that

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NOV 13 1989

Sun Ventures, LTD. is not a party hereto but agree to protest said application because the water would not be used for the heat resource and development of a filing of 48 cfs would decimate the common hot water resource.

14. The Director of IDWR agrees to issue an order declaring a moratorium of five years for processing new applications for permit to develop water from the common hot water aquifer in Twin Falls and Jerome Counties, Idaho, except the applications as herein provided in paragraphs 9 and 11. A copy of said order is attached hereto as Exhibit A, and made a part hereof as if set out at length herein. Said order also limits development by present permit holders who are parties to Civil Case No. 37298 and this Agreement (hereinafter "Stage One" development), to the amounts herein stated in paragraphs 2 through 12 above. The order also provides that parties to Civil Suit No. 37298 who will not execute this limitation Agreement shall be subject to the moratorium. The parties hereto agree that each shall be responsible for compliance with state law and the rules of IDWR prior to effecting a "Stage One" diversion pursuant to the rights listed in paragraphs 2 through 12 hereof. Statutory and permit requirements will be complied with relative to commencing construction and submission of proof of beneficial use for any development or diversion beyond that which presently exists to the maximum extent as provided for in paragraphs 2 through 12 of this Agreement. The pendency of the lawsuit to be dismissed pursuant hereto shall be considered as an adequate reason for granting equivalent extensions of time for development of the reduced amounts of water as set out in Paragraphs 2 through 12 hereof. IDWR also agrees to suspend the commencement of construction and proof of beneficial use requirements of any valid application or permit described in paragraphs 3 through 12 relative to the diversion and development increment herein agreed not to be developed and used (hereinafter "Stage Two" development). If at the end of five years, data indicates that AAR exceeds annual withdrawals (provided that the parties hereto reserve the right to contest such AAR determination administratively or judicially), IDWR agrees to allow "Stage Two" to begin and to allow development by the parties hereto to the extent of the excess water available over AAR, on the basis of an equal priority date which shall be the date of this Agreement, but junior to "Stage One" development. "Stage Two" development shall be on the basis of a proportionate ratio unless the parties hereto or their successors and assigns shall otherwise unanimously agree to a different method for the allocation of the available water, e.g. assume Hydrotube (Paragraph 9) has developed .10 cfs under "Stage One" and wishes to develop the remaining .10 cfs under their Permit No. 47-7872, and Stone (Paragraph 7) has developed .5 cfs under "Stage One" and wishes to develop the remaining 1.5 cfs under

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Permit No. 47-7714, and that no other parties to the Agreement wish to develop further and AAR exceeds withdrawals by 1 cfs at the end of the moratorium period and reasonable pumping levels are not a factor, development on the basis of a proportionate ratio with the priority date of this Agreement would mean Hydrotube could develop .0667 (0.1 cfs/1.5 cfs = 6.67% x 1 cfs = 0.667 cfs) and Stone would develop .9333 cfs under "Stage Two" and no applications filed after the date of this Agreement would develop. If AAR exceeded "Stage One" developments by 2.0 cfs, under the same example, .4 cfs would be available to applicants who file after the date of this Agreement; provided further that such rights entitled to participate in "Stage Two" development be then in good standing. 1.6

15. In the event that a court of competent jurisdiction abrogates the Director's order (Exhibit A) within the period of the moratorium or any extension thereof, this Agreement shall also terminate, unless the parties shall then specifically agree to an extension hereof.

16. The parties agree that the primary purpose of this Agreement is to protect the diversion rights of the parties hereto to the extent set out in paragraphs 2 - 12 and agree that it is not the purpose of this Agreement to protect the pressure of the water except as otherwise provided by state law. If at any time within the five years of the pendency of the order, or at the end of the five years of the order, IDWR evaluation of flow records indicate diversions exceed AAR, the parties hereto agree to reduce their diversions so that AAR is not thereafter exceeded (such reductions under the priority system of first in time is first in right so that the junior right holder shall be totally cut back before the second junior right holder is cut below the rate herein agreed to; the second junior right holder is totally cut back before the third junior right holder is cut below the rate herein agreed to, etc.) unless the parties hereto shall then otherwise unanimously agree (provided that the parties hereto reserve the right to contest such AAR determination administratively or judicially). If at the end of the five year period of the order, the flow records indicate diversions exceed AAR of the hot water aquifer, the parties will petition IDWR for a Critical Groundwater Area designation and will reduce diversions to the level of AAR on the basis of the priority system.

17. If IDWR does not or cannot make a determination of AAR at the end of five years based on the data, but flow pressures have not increased from their present level, the parties will seek a continuance of the moratorium.

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NOV 13 1989

18. Paragraphs 2 through 12 parties hereto agree that requests for extension of time extending the time for forfeiture for non-use filed pursuant to I.C. 42-222(2) shall not be protested during the term of this Agreement. Wells will be capped during times of non-use.

19. Any parties hereto may transfer their real property together with all water rights appurtenant thereto. However, if a party wishes to sell water rights which are subject of this Agreement but retain the real property, the other parties hereto shall have an option of first refusal to purchase any said water rights of any of the parties to this Agreement who may elect to sell. If two or more of the other parties elect to buy, and cannot otherwise agree on a proper allocation, they shall be entitled to purchase said water right being offered pro rata based on their then rights to divert from the aquifer in the amounts which are herein agreed. Any transfers proposed pursuant to this paragraph shall be subject to all applicable state laws.

20. The parties hereto agree that the amounts of the diversions as set out in paragraphs 2 through 12 are reasonable and each agrees not to protest, seek abandonment or forfeiture, or otherwise contest the amount of the agreed diversions of the other parties hereto during the term of this moratorium or any extension thereof, so long as the water is beneficially applied to use.

21. The parties hereto agree to support the efforts of IDWR to obtain funding from the Idaho Legislature so as to perform adequate and continuing hydrogeologic studies for the common hot water aquifer which is the subject of this Agreement.

22. The parties agree to the installation of measuring devices approved by IDWR which will provide an instantaneous readout and totalizing head so that the systems can be readily monitored and integrated volumetric measurements of pump out obtained over the period of the order.

23. The parties hereto agree that nothing herein contained shall prevent any party from seeking relief by injunction or otherwise, or an order requiring modification or closing of any well found to be in violation of the provisions of Idaho Code §§ 42-237a and 42-1601 et seq.

24. The parties hereto (except IDWR) herein consent to changes in the point of diversion and place of use of the City's right under Permit No. 47-7969 to utilize 411's facilities in common as set out in paragraph 5 hereof, provided that the priority for the City's Permit No. 47-7969 shall remain unchanged and the City shall use 411's discharges diverted pursuant to 47-7964 to the extent possible.

MICROFILMED

NOV 13 1989

for a swimming pool and associated facilities, but in no event shall the City's use of hot water under 47-7969 in excess of 411's discharges exceed .95 c/f/s for the duration of this Agreement. City may make secondary use of 411's discharges during other than the pool season to keep the pool from freezing. City agrees that the use of water under 47-7969 shall only be made at such times as the swimming pool and associated facilities utilizing the heat resource are open for use.

25. This Agreement may be executed in counterparts for convenience of the parties, but shall be binding as though all had executed the same document.

26. The parties hereto bind their heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, This Agreement has been executed on the day and year first above written.

RECEIVED

NOV 13 1989

IDAHO DEPARTMENT OF WATER
RESOURCES

By *[Signature]*
Director

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 22 day of July, 1987, before
me, a Notary Public, in and for said County and State,
personally appeared A. Kenneth Dunn, known or
identified to me to be the Director of the IDAHO DEPARTMENT OF
WATER RESOURCES, which executed the foregoing instrument, and
acknowledged to me that such executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 1989

NOV 13 1989

COLLEGE OF SOUTHERN IDAHO

By [Signature]
President, Board of Trustees

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 22 day of July, 1987, before me, a Notary Public, in and for said County and State, personally appeared LaRoy Craig, known or identified to me to be the President of the Board of Trustees of the COLLEGE OF SOUTHERN IDAHO, which executed the foregoing instrument, and acknowledged to me that such executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 1989

FILED

NOV 13 1989

PROFESSIONAL INVESTORS LIFE
INSURANCE COMPANY

By _____
President

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this _____ day of _____, 1987, before me,
a Notary Public, in and for said County and State, personally
appeared _____, known or identified to
me to be the President of PROFESSIONAL INVESTORS LIFE INSURANCE
COMPANY, the corporation that executed the foregoing
instrument, and acknowledged to me that such corporation
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

NOTARY PUBLIC FOR IDAHO
Residing at: _____
My commission expires: _____

NOTARIZED

NOV 13 1989

J.D. MCCOLLUM & JEAN MCCOLLUM,
Husband and Wife

J.D. McCollum
Jean McCollum

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 22 day of July, 1987, before me,
a Notary Public, in and for said County and State, personally
appeared J.D. MCCOLLUM, known or identified to me to be the
individual whose name is subscribed to the within instrument,
and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

John A. Roswalt
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 1989

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 22 day of July, 1987, before me,
a Notary Public, in and for said County and State, personally
appeared JEAN MCCOLLUM, known or identified to me to be the
individual whose name is subscribed to the within instrument,
and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

John A. Roswalt
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 1989

RECORDED

NOV 13 1989

SCHOOL DISTRICT 411

By _____
President, Board of Trustees

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this _____ day of _____, 1987, before me, a Notary Public, in and for said County and State, personally appeared _____, known or identified to me to be the President of the Board of Trustees of SCHOOL DISTRICT 411, which executed the foregoing instrument, and acknowledged to me that such executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO
Residing at: _____
My commission expires: _____

MICROFILMED
NOV 13 1989

MICHAEL KESTLER

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this _____ day of _____, 1987, before me,
a Notary Public, in and for said County and State, personally
appeared MICHAEL KESTLER, known or identified to me to be the
individual whose name is subscribed to the within instrument,
and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

NOTARY PUBLIC FOR IDAHO

Residing at: _____

My commission expires: _____

INDEXED
NOV 13 1989

GARY STONE

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this _____ day of _____, 1987, before me,
a Notary Public, in and for said County and State, personally
appeared GARY STONE, known or identified to me to be the
individual whose name is subscribed to the within instrument,
and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

NOTARY PUBLIC FOR IDAHO
Residing at: _____
My commission expires: _____

RECORDED
NOV 13 1989

FIRST CHURCH OF THE NAZARENE

By Chas E Brockway
Authorized Agent

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 22 day of July, 1987, before me,
a Notary Public, in and for said County and State, personally
appeared Charles E Brockway, known or identified to me to
be the Authorized Agent FIRST CHURCH OF THE NAZARENE, which
executed the foregoing instrument, and acknowledged to me that
such executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

Tom A. Roswell
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 1989

MICROFILMED

NOV 13 1989

HYDROTUBE OF IDAHO

By _____
Authorized Agent

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this _____ day of _____, 1987, before me, a Notary Public, in and for said County and State, personally appeared _____, known or identified to me to be the Authorized Agent of HYDROTUBE OF IDAHO, which executed the foregoing instrument, and acknowledged to me that such executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO
Residing at: _____
My commission expires: _____

RECORDED
NOV 13 1989

ARNOLD ELSING

Arnold Elsing

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 19 day of August, 1987, before me,
a Notary Public, in and for said County and State, personally
appeared ARNOLD ELSING, known or identified to me to be the
individual whose name is subscribed to the within instrument,
and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

Sam A. Roswell
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 1989

NOT FILMED
NOV 13 1989

RONALD ELSING

Ronald Elsing

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 19 day of August, 1987, before me,
a Notary Public, in and for said County and State, personally
appeared RONALD ELSING, known or identified to me to be the
individual whose name is subscribed to the within instrument,
and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

John A. Roswalt
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 1989

REPROFILMED
NOV 13 1989

MAGIC GARDENS

By David Wuthrich
Authorized Agent

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 17 day of August, 1987, before me, a Notary Public, in and for said County and State, personally appeared David Wuthrich, known or identified to me to be the Authorized Agent of MAGIC GARDENS, which executed the foregoing instrument, and acknowledged to me that such executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

John A. Rosvick
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 1989

MICROFILMED
NOV 13 1989

CITY OF TWIN FALLS, IDAHO

By Corey Walker
Mayor

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 2/24 day of July, 1987, before me, a Notary Public, in and for said County and State, personally appeared Doug Vallmen, known or identified to me to be the Mayor the CITY OF TWIN FALLS, IDAHO, which executed the foregoing instrument, and acknowledged to me that such executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Sherry L. Call
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, Id
My commission expires: 3/19/92

6302m

RECORDED
NOV 13 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF THE TWIN FALLS)
GROUND WATER MANAGEMENT AREA)
_____)

ORDER ESTABLISHING A
FIVE YEAR MORATORIUM

WHEREAS, on January 11, 1984, the director of the Idaho Department of Water Resources (IDWR) designated an area in Twin Falls and Jerome Counties as a ground water management area pursuant to Section 42-233B, Idaho Code, because the thermal-artesian ground water system appeared to be approaching the conditions of a critical ground water area; and

WHEREAS, a portion of the area so designated in and around the city of Twin Falls has continued to experience significant interference between wells as evidenced by a continued decline in artesian pressures; and

WHEREAS, hydrogeologic data is not available to adequately evaluate the rate that thermal ground water is recharged to aquifers in the area; and

WHEREAS, the director of the IDWR finds that the agreement of the 22nd day of July, 1984, and the order are in the public interest; and

WHEREAS, Section 42-1805(7), Idaho Code, and Rule 7 of the IDWR Water Appropriation Rules and Regulations provide for a moratorium on the approval of applications in a designated geographic area and the cancellation or modification of permits to the extent that development has not been completed on such

ORDER

- 1 -

EXHIBIT A

NOV 13 1989

FILMED

permits as needed to protect existing water rights and insure compliance with provisions of Chapter 2, Title 42, Idaho Code:

NOW, THEREFORE, pursuant to Section 42-1805(7), Idaho Code, and Rule 7 of the adopted rules and regulations for water appropriation, it is hereby ordered that:

(1) Applications proposing the diversion and use of thermal ground water (water from a well with a bottom hole temperature of 85°F or greater) will be held without action to approve unless the application is included in the agreement dated the 22nd day of July, 1987, entered into by IDWR and all those holding or seeking to hold water rights to divert and use the thermal ground water in the area herein designated. Approval of applications included in said agreement will be only in accordance with the provisions of the agreement.

(2) Development authorized under all existing permits to divert thermal water in the area as herein designated shall cease except as provided by the agreement dated the 22nd day of July, 1987, entered into by IDWR and all those holding or seeking to hold water rights to divert and use the thermal ground water resources.

(3) If development is allowed by IDWR outside the aquifer area as described in paragraph (5) hereof and as shown on the map attached hereto as Exhibit 1, and said development affects diversions or pressure of the wells within said aquifer, IDWR agrees to act in accordance with law to restrict said development so that neither the pressure or the diversions of the wells which are the subject of the comprehensive agreement of the

MICROFILMED

22nd day of July, 1987, shall be adversely affected.

(4) The provisions of this order are effective for five years from the date issued unless rescinded or modified by order of a court of competent jurisdiction or unless extended by order of the director.

(5) The provisions of this order are effective only in the area designated within the Twin Falls ground water management area lying within Townships 9 & 10 South and Ranges 16, 17 and 18 East of Boise Meridian.

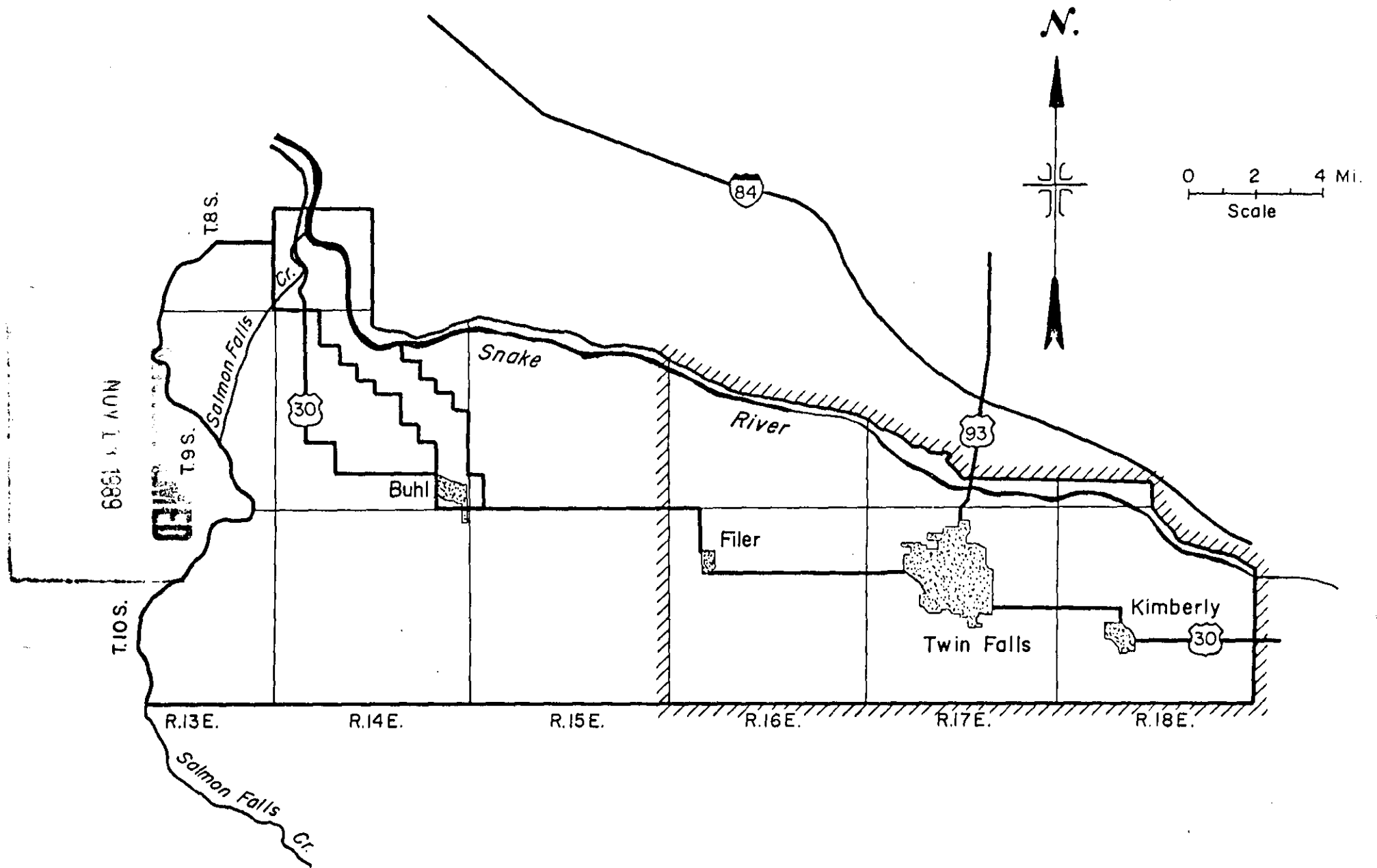
Signed at Boise, Idaho, this ____ day of _____,
1987.

A. KENNETH DUNN, Director
Department of Water Resources

MICROFILMED

NOV 13 1989

TWIN FALLS GROUNDWATER MANAGEMENT AREA



Moratorium Area - //////////////

September 11, 1989

Form 204
4/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by CP
Date 9/14/89
Receipt # C011624

REQUEST FOR EXTENSION OF TIME

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

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

Permit No. 47-7606

Name(s) of Permit Holder: College of Southern Idaho

Post Office Address: P.O. Box 1238

Twin Falls, Idaho 83303-1238 Telephone No. (208) 733-9554

Date Proof Is Due: January 1, 1990

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".)

Extended main distribution piping from Chiller #2, to the P.E. Educational Building. Extended
main distribution piping to interconnect well No. 1, and well No. 2, and supply water to the
Canyon Building. Total cost \$108,433.00. Installed flow monitoring equipment \$4,836.00.

See attached sheet detailing additional useage and costs. Costing \$ 770,521.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:
Paragraph #14, of Moratorium agreement, July 22, 1987. The case was dismissed July 13, 1988.

Permit holder(s) request **MICROFILMED** May 1, 19 93. J.R. Meunier (Signature)
(1 yr. minimum) *IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.
FEE: \$15.00 NOV 13 1989

ACTION OF THE DEPARTMENT OF WATER RESOURCES

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 May 1, 1993, provided the terms of the Memorandum Decision and Order dated June 27, 1986 are met.

Signed this 11th day of October, 19 89.

J. Glen Saylor
Chief, Water Allocation Bureau
SEP 14 1989

- N O T I C E -

BEFORE TAKING ACTION ON THIS FILE, PLEASE REFER TO THE
"MORATORIUM AGREEMENT" DATED JULY 22, 1987, COPIES OF WHICH HAVE
BEEN PLACED IN WATER RIGHT FILES 36-7130 AND 47-7606.

10-03-88 lgs

MICROFILMED

NOV 13 1989

Form 204
4/86

September 11, 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Receipted by CP
Date 9/14/89
Receipt # 2011624

REQUEST FOR EXTENSION OF TIME

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

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

Permit No. 47-7606

Name(s) of Permit Holder: College of Southern Idaho

Post Office Address: P.O. Box 1238

Twin Falls, Idaho 83303-1238 Telephone No. (208) 733-9554

Date Proof is Due: January 1, 1990

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".)

Extended main distribution piping from Chiller #2, to the P.E. Educational Building. Extended
main distribution piping to interconnect well No. 1, and well No. 2, and supply water to the
Canyon Building. Total cost \$108,433.00. Installed flow monitoring equipment \$4,836.00.
See attached sheet detailing additional useage and costs. Costing \$770,521.00

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

Paragraph #14, of Moratorium agreement, July 22, 1987. The case was dismissed July 13, 1988.

Permit holder(s) request an extension to May 1, 19 93.
(1 yr. minimum)

[Signature]
(Signature)

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

FEE: \$15.00

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the **MICROFILMED** extension of time be APPROVED and the time within which to submit proof of beneficial use be extended to May 1, 1993, provided the terms of the Memorandum Decision and Order dated June 27, 1986 are met.

Signed this 11th day of October, 19 89.

[Signature]
Chief, Water Allocation Bureau

College of Southern Idaho request for extension of time
Permit 47-7606

A. Geothermally heated buildings Sq. Ft. Estimated GPM
presently on-line

1.	Taylor Building and Addition	47,168	168
2.	Physical Education Building	45,400	297
3.	Fine Arts Building	25,076	152
4.	Plastic Greenhouse	816	50
5.	Residence Hall	29,450	42
		Total GPM	709
Total costs of these projects =		\$364,346	

B. Expected to be operating on
Geothermal heat during
winter 1989-1990 (under construction)

1.	Two additional plastic greenhouses	1,632	100
2.	Southern Idaho Development Center Wing #1	12,100	80
3.	Vocational Technical Center VTC	70,356	650
4.	Aspen Vocational Technical Bldg.	19,067	80
		Total GPM	910
Total costs of these projects =		\$239,006	

C. Remaining Projects

1. Southern Idaho Development Center
Wing #2 (Science and Agriculture)
In Design stage 25,552 150 Estimated
Wing #3
In schematic design stage 13,653 48 Estimated
Total planning and design costs
estimated to date \$30,000 +
2. Library Science Building
Design to be done during 1990 56,392 350 Estimated
Total planning and design costs
estimated to date \$11,400 +
3. Warm water, Fish Culture

The College of Southern Idaho
is limited to 6 CFS under the
Moratorium Agreement, July 22, 1987.
Development of warm water fish
culture facilities will be delayed
until it is determined how much
water will actually be available.
Total planning costs
Estimated to date \$12,500 +

MICROFILMED
NOV 13 1989

* Note: This list of projects excludes the development claimed
under permit #47-7478, 7 Buildings (93,030 sq. ft.)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7606)

IN THE NAME OF THE COLLEGE OF)

SOUTHERN IDAHO)

MEMORANDUM DECISION

AND ORDER

This matter having come before the Department of Water Resources (department) as a result of a request for extension of time in which to submit proof of beneficial use (extension request) for Permit No. 47-7606, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1) On January 24, 1980, the department issued Permit No. 47-7606 to the College of Southern Idaho (CSI) for the diversion of fifteen (15) cubic feet per second (cfs) from a groundwater source for space heating and fish propagation purposes.

2) A condition of approval of the permit required the submittal to the department of proof of construction of works and application of water to beneficial use (proof) on or before January 1, 1985.

3) On November 15, 1984, CSI submitted an extension request to the department.

4) On March 8, 1985, Civil Case No. 37298 entitled: College of Southern Idaho v. Idaho Department of Water Resources, et al was filed in the Fifth Judicial District Court, Twin Falls County, Idaho.

5) On January 24, 1986, the department requested information from CSI relative to consideration of the extension request.

6) On February 12, 1986, CSI provided a part of the requested infor-

MICROFILMED

mation to the department.

7) On April 14, 1986, the department requested additional information from CSI.

8) On April 16, 1986, CSI provided the department additional information.

9) On May 5, 1986, the department again requested additional information relative to the extension request.

10) On May 9, 1986, CSI representatives met with the department to discuss information related to the extension request.

11) On May 30, 1986, CSI provided a detailed list of existing and anticipated uses, "... to ensure that the College of Southern Idaho has sufficient water to meet project requirements ..."

12) The rate of flow provided in CSI's May 30, 1986 letter totals 3,490 gallons per minute (7.76 cfs) after excluding uses to be licensed under a prior water right permit and the proposed swimming pool use, which is not authorized by Permit No. 47-7606.

13) Section 42-204, Idaho Code authorizes the department to grant an extension of time, not exceeding five (5) years beyond the date originally set for the proof submittal provided good cause appears therefore.

CONCLUSIONS OF LAW

1) CSI has shown that it intends to divert and beneficially use 7.76 cfs of the 15 cfs originally applied for.

2) CSI has shown to the satisfaction of the department that good cause exists for granting an extension of time in connection with a portion of the permit.

3) The department can grant an extension of time for a portion of the permit.

ORDER

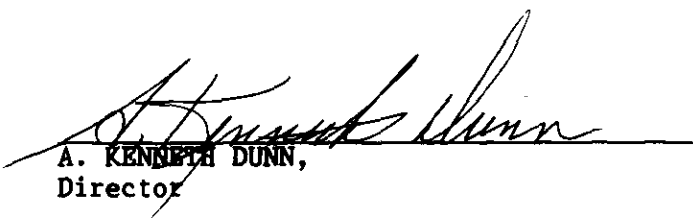
IT IS, HEREBY ORDERED, that the Request for Extension of Time in connection with Permit No. 47-7606 is APPROVED in part and DENIED in part as follows:

1) The portion of the permit for which the extension of time is approved shall not exceed a maximum rate of diversion of 7.76 cfs.

2) The portion of the permit for which the extension of time is denied is 7.24 cfs.

3) Proof of construction of works and application of water to beneficial use for the portion of the permit extended by this approval shall be submitted to the department on or before January 1, 1990.

Dated this 22th day of June, 1986.


A. KENNETH DUNN,
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7606
IN THE NAME OF COLLEGE OF SOUTHERN
IDAHO

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 7th day of July, 1986, a true and correct copy of the foregoing MEMORANDUM DECISION AND ORDER was mailed postage prepaid to:

College of Southern Idaho
P. O. Box 1238
Twin Falls, ID 83301

Terry T. Uhling
NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
P. O. Box 2139
Boise, ID 83702



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

For Office Use Only
Fee Received <u>\$15</u>
Date <u>11-16-1985</u>
Receipt # <u>35831</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
To provide additional time in which to submit
proof of beneficial use on a water right permit

RECEIVED
NOV 15 1984

Department of Water Resources

COLLEGE OF SOUTHERN IDAHO of 315 Falls Ave. W. - P. O. Box 1238
(Name) (Address) Twin Falls,

State of IDAHO, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 47-7606.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before January 1, 19 85.

That he has heretofore performed the following work described under said permit: _____

(This must be filled out! If no work has been completed put none.)

Experimental fish propagation

Drilled two geothermal wells

Completed construction of one completely geothermal heated building, 28,819 sq. ft.

Retrofitted 5 bldgs. to geothermal heat Costing \$ 283,974.00
(total 65,589 sq. ft.)

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

/retrofit
Taylor Administration Building is in the design stages to be implemented fall of
1985. We are doing the retrofitting of buildings in phases. The remaining phases
call for retrofitting five more buildings. We also have tentative plans for two
new buildings in the next three to seven years which would use geothermal heat.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to January 1, 19 90.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME

A. S. by E. McManis
(Signature)* Supervisor
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to January 1, 1990. IT IS FURTHER ORDERED That the extension approval be granted in accordance with the Memorandum Decision and Order dated June 27, 1986.

Signed this 27th day of June, 19 86

A. Glen Saxton
Chief, Operations Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 21 1985

APPLICATION FOR AMENDMENT OF A PERMIT

Department of Water Resources

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

APPROVED

Comes now THE COLLEGE OF SOUTHERN IDAHO
of (address) P.O. Box 1238, 315 Falls Ave. West, 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. 47-7606, and requests that the permit and permit map be changed as follows:

1. Point of diversion: Well #1 SE ¼ SW ¼, Section 4, Township 10S, Range 17E, B.M.,
County of Twin Falls. Other points of diversion: Well #2 NE ¼ SW ¼,
Sec. 4, T10S, R17E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 15cfs for space heating purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)
Amount 15cfs for fish prop. purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10S	17E	4									X	X	X	X		X	X		

Total number of acres to be irrigated =

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

MICROFILMED

Show 40-acre subdivisions, townships, ranges and ditches.

[illegible]

Signed at Twinn Falls, this 19 day of February, 1985.

(Signature) President

Received by MAH Date 7/19/85 # 35-282

Published in _____

I, L. GLEN SAXTON, _____ of the Department of Water Resources hereby
Approve the above referenced Amendment provided the conditions as set forth
_____ on page 4 of Permit No. 47-7606 are met.

Witness my hand this 27th day of February

19 85

Chief, Operations Bureau

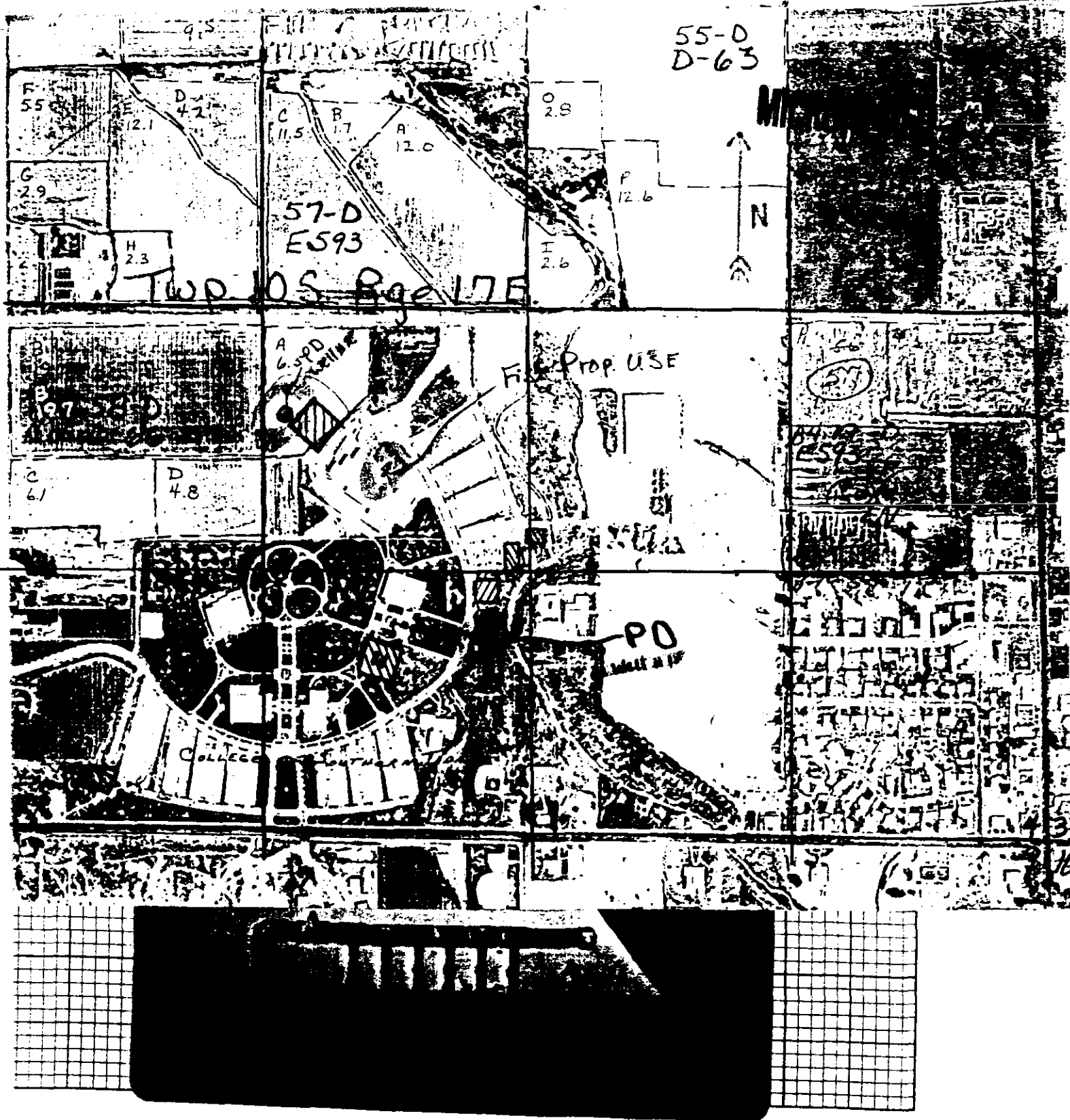


Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached
or Map of Irrigated Acreage Attached

marks The two wells are not presently connected
plans are to connect them in the future. The heat
water in the water is preheat the Domestic hot water
through year round heating use @ present. See Attached Sheet
calculations. At present geothermal water runs continuously through
exchangers in Hotel "D". Plans are to connect the two wells in the
recommended Amendments

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant College of Southern Idaho Phone 733-9554

Post office address P.O. Box 1238, Twin Falls, ID 83301

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

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 4 Township 10S

Range 17E. B.M. Twin Falls County, additional points of diversion if any: _____

NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4 Township 10S, Range 17E., B.M. Twin Falls
County.

4. Water will be used for the following purposes:

Amount 15cfs for Space heating purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 15cfs for Fish Propagation 1-21-80 J.J. Aquaculture purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 15.00 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, motor, and pump.

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 1300 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: ~~XXX~~ of S $\frac{1}{2}$ ~~XXX~~ of Section 4 Township 10S

Range 17E. B.M.

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

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

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

(5) If water is to be used for other purposes describe: To heat College of Southern Idaho campus buildings and for aquaculture for research purposes

MICROFILMED

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

[illegible]**Total number of acres to be irrigated**

c. Describe any other water rights used for the same purposes as described above. Ident. No. 47-7478

9. a. Who owns the property at the point of diversion College of Southern Idaho.

b. Who owns the land to be irrigated or place of use College of Southern Idaho.

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 This is a supplemental request of that of 8/78 (Ident. No. 47-7478)
in which 5cfs was approved. A second well is proposed and the original
5cfs plus the additional 15cfs would be supplied by the two wells
according to their capabilities. Expected temperature is 100° F.
After full use, water will be cool and clean enough to discharge into
the Perrine Coulee.

A full-page sheet of white graph paper featuring a uniform grid of thin black horizontal and vertical lines. The grid consists of 20 columns and 20 rows, creating a total of 400 small squares. The lines are evenly spaced and extend across the entire page, leaving no margins or additional markings.

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.


(Applicant)
Dr. James L. Taylor, President

Proposed Priority 12/5/79

Received by JA Date 12-5-79 Time 1:50 pm

Preliminary check by TGB Fee \$ 175.00

Receipted by JA Date 12-5-79 # 17010

Publication prepared by ADM Date 12/5/79

Published in Times news

Publication dates 12/20 & 12/27/79

Publication approved marya Date 12/19/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JA Jim

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. 47-7606, and said application is hereby approved.

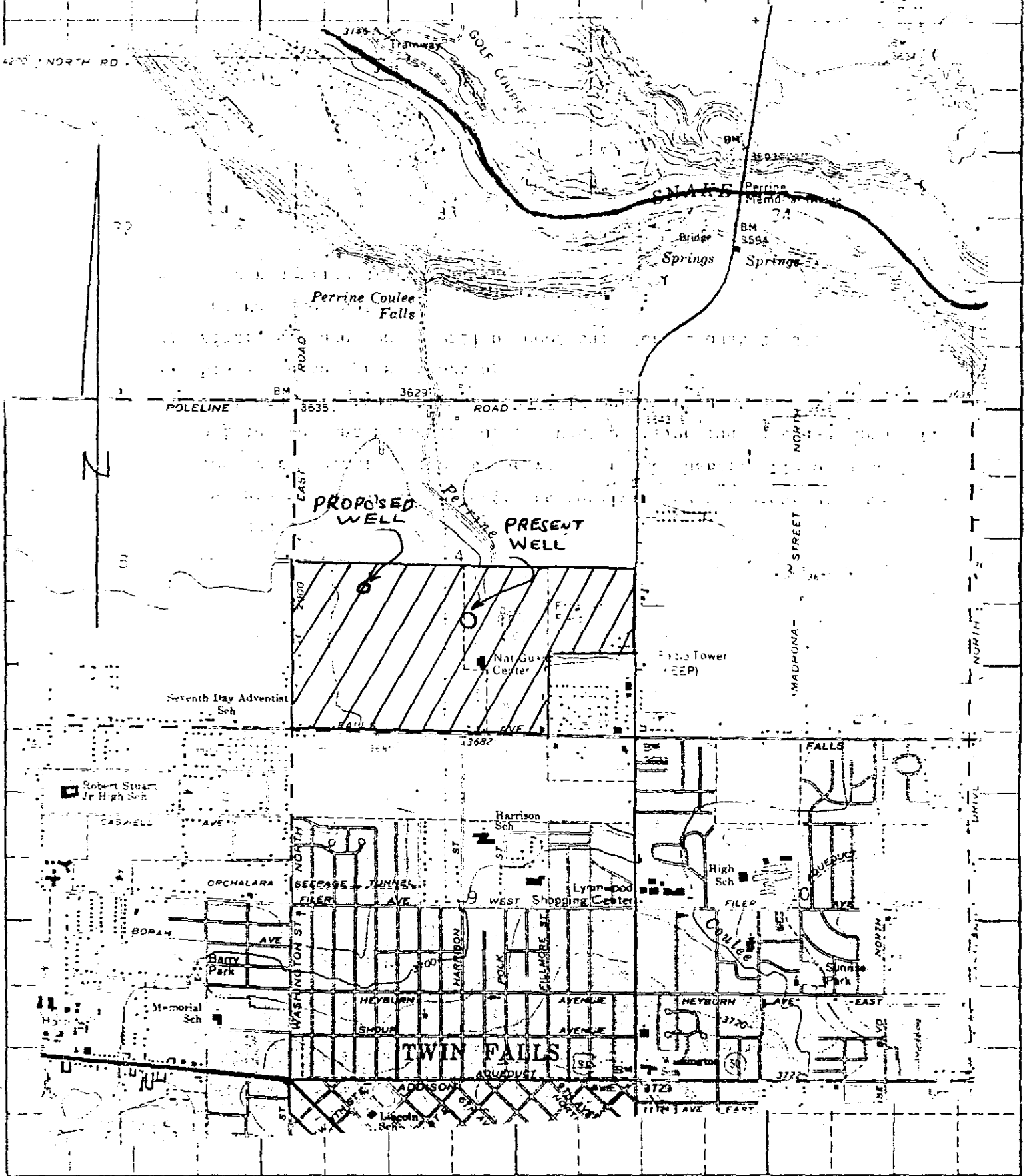
1. Approval of said application is subject to the following limitations and conditions:

- 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 January 1, 19 85.
- 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: (1) 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) 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 intra state water quality standards.

Witness my hand this 24th day of January, 1980.

J. Glen Saxton
Chief Clerk

T 105 R 17E



Scale: 2 inches equal 1 mile

MILWAUKEE

NOTICE
AMENDMENT TO A
WATER PERMIT
NO. 47-7606

Notice is hereby given that College of Southern Idaho of Twin Falls, Idaho is the holder of approved permit No. 47-7606 authorizing the diversion of 15.00 cubic feet per second of water from groundwater in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4 T10S, R17E, B.M. County of Twin Falls, to be used for 15.0 cfs for space heating from Jan. 1 to Dec. 31; 15.0 cfs for Fish Propagation from Jan. 1 to Dec. 31 S $\frac{1}{2}$, Sec. 4, T10S, R17E

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

Point(s) of Diversion:
Well #1- SE $\frac{1}{4}$ SW $\frac{1}{4}$; Well #2- NE $\frac{1}{4}$ SW $\frac{1}{4}$; Well #3- SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T10S, R17E; Fish Propagation SE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 21, T10S, R17E

Place of Use: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 4; SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T10S, R17E

Any protest against approval of the amending of Permit No. 47-7606 must be filed with the above mentioned

Affidavit of Publication

STATE OF IDAHO.

COUNTY OF TWIN FALLS

ss.

N $^{\circ}$ 14367

I, *Linda Capps McSwine*

being first duly sworn

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

July 19, 19 *84*, and ending with the issue dated *July 26*, 19 *84*.

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.

Linda Capps McSwine
Subscribed and sworn to before me on this *26* day of

September, 19 *84*
James D. Lawrence
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

COLLEGE of SOUTHERN IDAHO

Junior College District

P. O. Box 1238

TWIN FALLS, IDAHO 83301

TRUSTEES:

LEROY CRAIG, Chairman
DR. CHARLES LEHRMAN, Vice Chmn.
WILLIAM E. BABCOCK, Clerk
ROBERT S. BLASTOCK, JR.
LLOYD A. HAMILTON

ADMINISTRATION:

DR. JAMES L. TAYLOR, President
JERRY MEYERHOEFFER, Ass't. to Pres.
DR. ROY STRAWSER, Academic Dean
ORVAL L. BRADLEY, Vocational Director
KARL L. BLACK, Business Manager

December 13, 1979

Mr. Loren O. Holmes
Southern Region Supervisor
State of Idaho
Department of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, ID 83301

RECEIVED

DEC 14 1979

Department of Water Resources
Southern Idaho Office

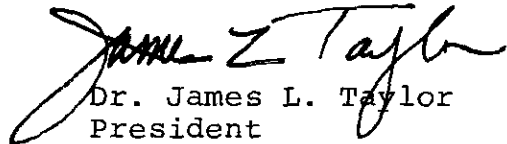
Re: Application for Permit No. 47-7606

Dear Mr. Holmes:

Enclosed is the scale drawing showing the proposed layout of the ponds on the property at the College of Southern Idaho.

If you have any questions, please feel free to call me.

Sincerely,



Dr. James L. Taylor
President
College of Southern Idaho

dmb

Enclosures

RECEIVED

RESUME

EXPO PARKING

Department of Water Resources
Southern District Office

WALKWAY

EXPO.

SETTLING
POND

6 FISH PONDS
10' 5" X 4' DEEP

15'

10' GLASS
GREENHOUSE

5'



PARKING

MICROFILMED

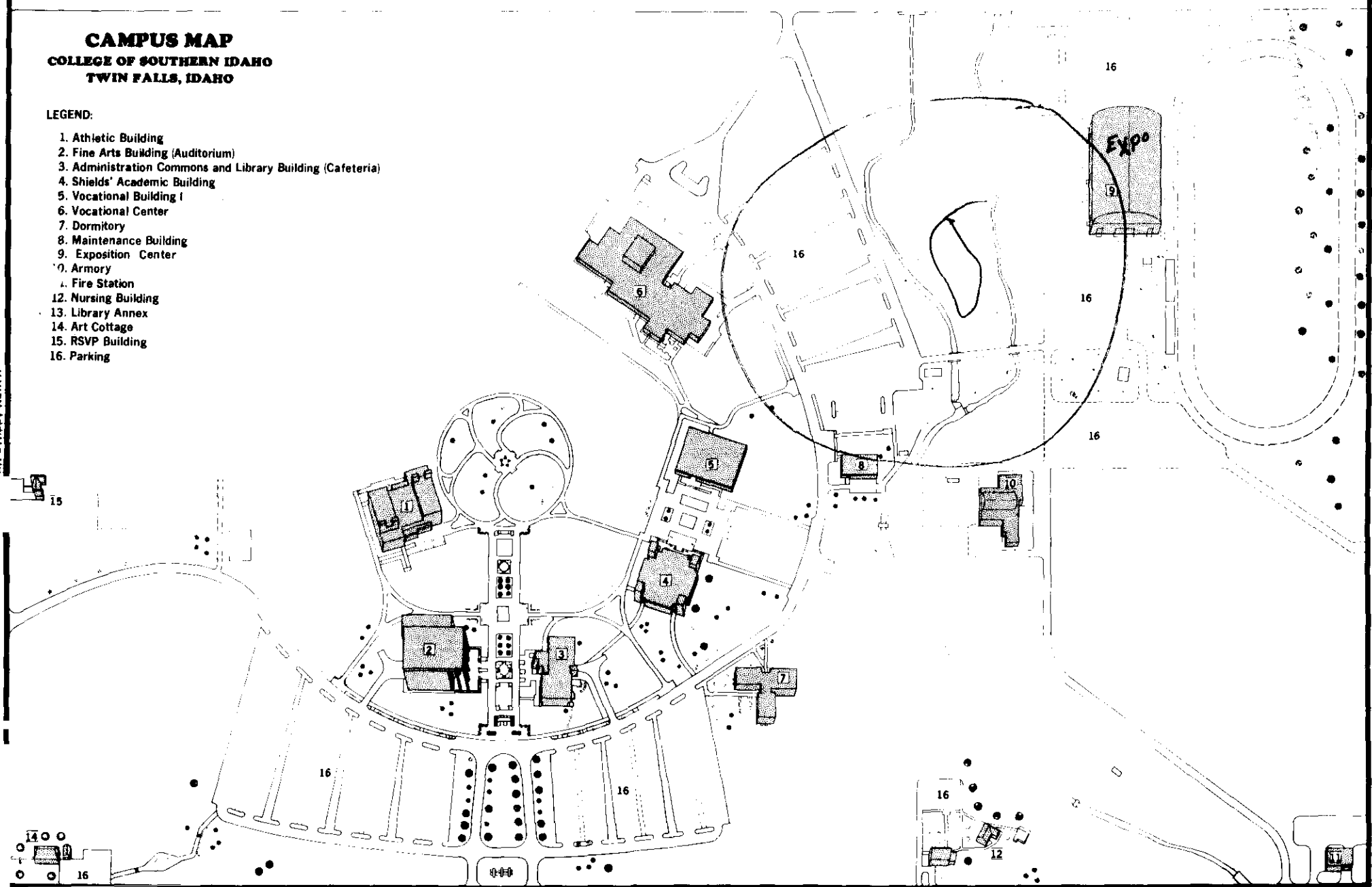
SCALE 1" = 100'

CAMPUS MAP

COLLEGE OF SOUTHERN IDAHO
TWIN FALLS, IDAHO

LEGEND:

1. Athletic Building
2. Fine Arts Building (Auditorium)
3. Administration Commons and Library Building (Cafeteria)
4. Shields' Academic Building
5. Vocational Building I
6. Vocational Center
7. Dormitory
8. Maintenance Building
9. Exposition Center
10. Armory
11. Fire Station
12. Nursing Building
13. Library Annex
14. Art Cottage
15. RSVP Building
16. Parking



FALLS AVENUE WEST

curriculum CSI-VOC development

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

No 8955

LEGAL NOTICE

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:

47-7006

COLLEGE OF SOUTHERN
IDAHO
P.O. BOX 1238, TWIN FALLS,
ID 83301

Source: GROUNDWATER
Date Filed: 12/05/1979

Amount: 15.00 CFS

Diversion Point: NWSW
NWSE Sec 04 T 10S R
17E, TWIN FALLS Co.

Use: HEATING (15.00 CFS)
from 01/01 to 12/31

FISH PROP. (15.00 CFS)
from 01/01 to 12/31

Place of Use: NESW NWSW
SWSW SESW NESE
NWSE SWSE SESE Sec
04 T 10S R 17E

Diversion Means: WELL,
MOTOR AND PUMP

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before JANUARY 7, 1980.

C. STEPHEN ALLRED
Director

PUBLISH: Thursday, Dec.

I, Linda A. Capps, being first duly sworn upon oath, depose and say that I am Owner 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 December 20, 1979, and ending with the issue dated December 27, 1979.

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; 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 27 day of

December, 1979.

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

May 7, 1993

COLLEGE OF SOUTHERN IDAHO
P. O. BOX 1238
TWIN FALLS, ID 833031238

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 47-07606

Dear Permit Holder:

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

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

MAY 21 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

S. Region
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 4, 1993

College of Southern Idaho
PO Box 1238
Twin Falls, ID 83303-1238

Re: Permit No. 47-07606

Dear Permit Holder:

The Department is in receipt of the proof of beneficial use and \$600 license examination fee submitted in connection with the above referenced permit.

Please note that while you have submitted the proof of beneficial use for a diversion rate of 4.54 cfs, you have attempted to determine the amount of acre feet diverted in a year. When determining the license examination fee, the only time the acre foot measurement is used is in the measurement of a storage water right such as a dam or reservoir. Therefore, the acre foot measurement you have provided is not necessary and will not be used in determining the applicable license examination fee.

The license examination fee required in connection with a permit that diverts 4.54 cfs is \$200. Since you submitted \$600, you are entitled to a \$400 refund. I have begun the process to refund the \$400 license exam fee. The process takes between four and six weeks and will arrive under separate cover.

In the mean time, the Department will continue with the analysis of the proof of beneficial use and will notify you as soon as it is complete. If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

C: Fiscal

MICROFILMED

MAY 21 1993

February 28, 1993

COLLEGE OF SOUTHERN IDAHO
P. O. BOX 1238
TWIN FALLS, ID 83301

PROOF DUE NOTICE

RE: PERMIT NO. 47-07606

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 May 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

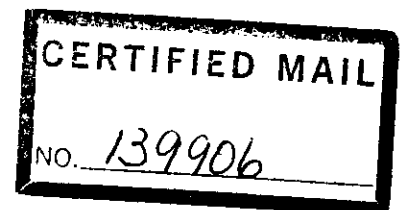
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



RECORDED

MAY 21 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

47-7606

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

M E M O R A N D U M

DATE: JULY 31, 1992 139340
TO: WATER RIGHT HOLDERS AND APPLICANTS IN TWIN FALLS
LOW-TEMPERATURE GEOTHERMAL MORATORIUM AREA
FROM: NORM YOUNG
RE: EXTENSION OF MORATORIUM

Enclosed is a copy of an order extending the order designating the Twin Falls Low-Temperature Geothermal Moratorium Area. I appreciated the attendance of many of the users at the public information meeting on this matter held in Twin Falls last week. I understood those in attendance favored an extension of the moratorium, and some of the users were encouraging that the size of the area be increased and that additional actions be taken to protect artesian pressures. I indicated at the meeting that the moratorium would be extended without modification to keep its continuity and that IDWR will schedule as time and resources permit a review of the following matters:

- Expansion of the area.
- The need for repair or reconstruction of wells in and adjacent to the area.
- Evaluate the adequacy of the agreement to manage pumpage to prevent withdrawal in excess of the average rate of recharge or to maintain artesian pressures in the public interest.
- Review need for and adequacy of monitoring programs.

With respect to monitoring, the data recorded by the USGS from the well at the Nazarene Church is an important part of the information now being collected. The Church will soon be finished and will be using water from the well. Data from an unused well is more reliable for evaluating aquifer conditions. USGS and IDWR are evaluating alternatives for replacing this source of data. If you are aware of a well that is finished into the low-temperature geothermal aquifer and is not being used, please call Loren Holmes, IDWR Regional Manager at Twin Falls, a call at 736-3033.

MAY 21 1993

October 24, 1989

College of Southern Idaho
P. O. Box 1238
Twin Falls, ID 83303-1238

Gentlemen:

Re: Permit No. 47-7606

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to May 1, 1993.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

NOV 13 1989

MEMORANDUM

DATE: October 10, 1989

TO: File 47-7606

FROM: Rita Fleck *RF*

RE: Extension of Time

The department has decided at this time to take action on the pending request for extension of time. Under the agreement dated July 22, 1987, CSI has agreed to develop a total of 6 cfs ~~1~~ under its two permits. Since development is authorized by the agreement, action to approve the extension request should be taken.

I recommend the department approve the extension request until May 1, 1993 based on the delay caused by Case No. 37298, District Court.

MICROFILMED

NOV 13 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 30, 1989

Lloyd J. Walker
131 Second Street West
P.O. Box 1923
Twin Falls, ID 83303-1923

Dear Mr Walker:

The department has reviewed your letter dated August 3, 1989 in connection with the Agreement signed July 22, 1987 (agreement) and the use of low temperature geothermal water in the Twin Falls area.

On July 24, 1987, the Director of the department did issue an Order Establishing a Five Year Moratorium for a portion of the Twin Falls Ground Water Management Area. Enclosed for your information is a copy of the order. Note that the order does provide that some qualified development can occur.

The use and development of water by CSI up to the amount of water authorized by the agreement under permit 47-7606 does not appear to conflict with the moratorium or the agreement.

The City of Twin Falls likely diverted and used water under permit 47-7969 since the city has filed proof of beneficial use under permit 47-7969 showing a swimming pool use. This use also does not appear to conflict with the moratorium or agreement. To the department's knowledge, water was not diverted from the well of the school district under application 47-7964 to fill the city pool.

I hope this letter answers your questions. Please feel free to contact the department if you have additional questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: S. Region
47-7964
47-7969
47-7606

MICROFILMED

NOV 13 1989

INTER-DEPARTMENT MEMO — 1

FROM Loren Haines:

DATE

TO Glen Sinton

SUBJECT TIGWAHA - & Attached

To my knowledge no water from the School District (all) is used in the Pool.

CSI still has an open permit (47-7606) & a right to develop further under the CSI agreement.

47-79964
47-79967

[Signature]

SIGNATURE

LLOYD J. WALKER

ATTORNEY AT LAW

131 SECOND STREET WEST
POST OFFICE BOX 1923
TWIN FALLS, IDAHO 83303-1923
TELEPHONE (208) 733-3083

LLOYD J. WALKER

RECEIVED

AUG 25 1989

RECEIVED

AUG - 4 1989

August 3, 1989 Department of Water Resources
Southern Region Office

Department of Water Resources

Mr. L. Glen Saxton, Chief
Water Allocation Bureau
2148 4th Avenue East
Twin Falls, Idaho 83301

RE: Mike Kestler

Dear Mr. Saxton:

We have corresponded in the past concerning underground hot water aquifer in the Twin Falls area. It is my understanding that there is a moratorium on further development in use of that aquifer until it can be determined its capability of sustained pumping.

I am concerned about the maintenance of the moratorium. The Twin Falls City Municipal Pool was filled in June of this year and I believe with natural hot water from that aquifer. More recently another building at CSI has been added to their use of hot water from the aquifer. These are both public uses that I approve of from the community standpoint, but I am not sure how they affect the aquifer in the event that it is determined that it is being overpumped.

I would appreciate very much your comments on the continued development and use of hot water from the aquifer while a moratorium is in place.

Sincerely yours,

LLOYD J. WALKER

Attorney at Law

Lloyd J. Walker
Lloyd J. Walker

MICROFILMED

NOV 13 1989

LJW/jkl
2935a

file 47-7606

MEMORANDUM

TO: Garry Spackman *Gary*
FROM: Roberta Garrett
SUBJECT: 36-7130
DATE: January 9, 1989

Case No. 37298 "Order of Dismissal", College of Southern Idaho vs. Idaho Department of Water resources, has been entered into State Office Decree records (file No. 36-J). A copy of the decree has been forwarded to Southern Region.

Data entry changes are as follows:

- Change stage from license to decree
- Change 6.0 cfs to 4.5 cfs
- Add decree plaintiff name (College of Southern Idaho)
- Add decree defendant name (Idaho Department of Water Resources)
- Add date of decree (July 13, 1988)

A copy of the decree has been placed in files 36-7130 and 47-7606.

rg
cc: Sharla Curtis

MICROFILMED

NOV 13 1989

47-7604

County of Twin Falls, Idaho
July 13, 1988 1:42pm
Deputy Clerk

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

* * * * *

COLLEGE OF SOUTHERN IDAHO,	)	Case No. 37298
	)	
Plaintiff/	)	
Counterdefendant,	)	<u>ORDER OF DISMISSAL</u>
	)	
vs.	)	
	)	
THE IDAHO DEPARTMENT OF WATER	)	
RESOURCES, an executive	)	
agency of the State of Idaho;	)	
Professional Investors Life	)	
Insurance Company; Los Lagos	)	
Property Owners Association,	)	
Inc.; Michael Kestler; Gary	)	
Stone; First Church of the	)	
Nazarene; J.D. McCollum;	)	
Hydrotube of Idaho; Arnold	)	
Elsing; Ronald Elsing; Twin	)	
Falls School District No. 411;	)	
Magic Gardens; City of Twin	)	
Falls, Idaho; John Does 1	)	
through 50,	)	
	)	
Defendants/	)	
Cross Defendants,	)	
	)	
and	)	
	)	
LOS LAGOS PROPERTY OWNERS	)	
ASSOCIATION, INC.,	)	
	)	
Defendant/	)	
Counterclaimant/	)	
Cross Claimant.	)	

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NOV 13 1989

* * * * *

1 THIS MATTER, having come on for hearing before this
2 court on Wednesday, July 13, 1988; the court having reviewed
3 the pleadings on file herein; and

4 Based upon the Stipulation executed between the
5 parties thereto, attached and incorporated by reference herein,
6 and the Motion of counsel to dismiss this action pursuant to
7 the terms of the Stipulation, good cause appearing therefore;

8 IT IS HEREBY ORDERED that:

9
10 1. As between the stipulating parties, Professional
11 Investors Life Insurance Company's licensed water right
12 (License No. 36-7130) in and to the geothermal aquifer that
13 underlies portions of Twin Falls and Jerome counties in the
14 vicinity of Twin Falls, Idaho, shall be and hereby is
15 established and declared to be 4.5 c/f/s;

16 2. Any and all claims regarding Professional
17 Investors Life Insurance Company are hereby dismissed with
18 prejudice, each party to bear its own costs;

19 3. As between the stipulating parties, it is hereby
20 declared and established that the propagation of any species of
21 fish (warm, cold, tropical, or any kind of fish) is and shall
22 be a beneficial use of the water pursuant to Professional
23 Investors Life Insurance Company's licensed right and that the
24 College of Southern Idaho may not now or hereafter file any
25 claim or raise any defense in any action, proceeding or dispute
26 to the contrary; and

27 4. All other defendants above-named be dismissed
28 without prejudice, bearing their own costs and

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NOV 13 1989

1 DATED this 13 day of July, 1988.

2
3 /s/ Daniel C. Hurlbutt
4 Hon. Daniel C. Hurlbutt, Jr.
5 DISTRICT JUDGE

6 CERTIFICATE OF MAILING

7 I hereby certify that on this _____ day of July, 1988,
8 I served a copy of the foregoing ORDER OF DISMISSAL, by
9 depositing same in the United States Mail, postage prepaid, in
10 an envelope, addressed to the following:

11 Mr. Robert C. Weaver
12 WEAVER & MELANSON
13 130 North Broadway
14 Buhl, Idaho 83316
15 Attorneys for Professional Investors Life Insurance Co.

16 Mr. Gary R. Stone
17 Route 1
18 Kimberly, Idaho 83341
19 Pro Se

20 Mr. William L. Nungester
21 HEPWORTH, NUNGESTER, FELTON & LEZAMIZ
22 P.O. Box 389
23 Twin Falls, Idaho 83303-0389
24 Los Lagos Property Owners Association, Inc.

25 Mr. Don A. Olowinski
26 HAWLEY, TROXELL, ENNIS & HAWLEY
27 P.O. Box 1617
28 Boise, Idaho 83701-1617
Attorneys for Mr. J.D. McCollum, Sr.

Mr. Jim Jones
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Attorney for The Idaho Department of Water Resources

Mr. Edward L. Benoit
BENOIT, ALEXANDER, SINCLAIR, HARWOOD & HIGH
P.O. Box 366
Twin Falls, Idaho 83303-0366
Attorney for Twin Falls School District No. 411

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Dr. Charles Brockway
Snake River Conservation Research
Rt. #1 Box 186
Kimberly ID 83341

Mr. Shane O. Bengoechea
City Attorney
P.O. Box 1907
Twin Falls ID 83303-1907

Mr. Lloyd J. Walker
P.O. Box 1923
Twin Falls ID 83301

Mr. Dave Wuthrich
Magic Gardens
560 Filer Avenue
Twin Falls ID 83301

Hydrotube of Idaho
Addison Avenue East
Twin Falls ID 83301

Mr. Arnold Elsing
816 Mountain View Drive East
Twin Falls ID 83301

Mr. Ronald Elsing
127 Bonnie Drive
Twin Falls ID 83301

Terry T. Uhling

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NOV 13 1989

SETTLEMENT AGREEMENT

This Settlement Agreement is made and entered into this 19TH day of May, 1988, by PROFESSIONAL INVESTORS LIFE INSURANCE COMPANY, a corporation with principal offices in Tulsa, Oklahoma (hereinafter "Professional") and the COLLEGE OF SOUTHERN IDAHO, a Junior college district (hereinafter "CSI");

RECITALS

1. Professional and CSI are parties to that certain action filed in the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Twin Falls, Civil No. 37298. It is contemplated that the other parties to Civil No. 37248 will enter into an agreement with Professional identical to this agreement. Signing of that agreement is not meant to affect this agreement.

2. Civil No. 37298 involves the parties' respective rights and obligations to the hot water from a common hot water aquifer ("the hot water aquifer") that underlies portions of Twin Falls and Jerome Counties in the vicinity of the City of Twin Falls, Idaho.

3. Professional is the holder of License No. 36-7130, for the diversion of 6 cfs of hot water from the aquifer. License No. 36-7130 is the only licensed water right for the aquifer.

4. Professional has and does contend that it has a valid licensed water right for 6 cfs which it has not abandoned or forfeited.

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NOV 13 1988

5. CSI contends that Professional has abandoned or forfeited all or part of its licensed water right.

6. With the exception of Professional, the parties to Civil No. 37298 have entered into an agreement dated July 13, 1987 ("the Moratorium Agreement"), a copy of which is attached hereto and made a part hereof, whereby they have consented to a stipulation for dismissal without prejudice of Civil No. 37298 and have agreed to a five (5) year moratorium on the approval of applications for permits to develop water from the aquifer pursuant to I.C. §42-1805(7) and Rule 7 of the Water Appropriation Rules and Regulations of the State of Idaho.

7. Professional refused to sign the moratorium agreement and CSI pursued Civil No. 37298 against Professional on theories of abandonment, forfeiture and exclusive applicability of the Geothermal Resources Act.

8. Professional and CSI, in the interest of avoiding unnecessary legal expense and other risks associated with the pending litigation, desire to compromise and resolve their disputes and differences referred to herein and otherwise contained in Civil No. 37298 and desire to declare and establish between themselves Professional's licensed water right. Professional will allow its water right to be limited to 4.5 cfs in return for CSI's dismissing with prejudice all claims against Professional and agreeing that Professional's use of the hot water for propagation of any species of fish (warm, cold, tropical, or any other kind of fish) is a beneficial use of water

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NOV 13 1989

pursuant to Professional's licensed water right and agreeing not to file any claim or raise any defense in any action, proceeding or dispute to the contrary.

OPERATIVE PROVISIONS

In consideration of the mutual covenants and promises contained herein and for other good and valuable consideration, the parties hereto agree and covenant as follows:

1. Professional and CSI agree to entry of an order declaring and establishing Professional's ownership and use and the validity of its licensed water right in the amount of 4.5 cfs. This limitation upon the licensed water right in no way may be interpreted by the parties hereto as an admission of actual abandonment or forfeiture of any water right by Professional nor can it be used in any way now or hereafter as evidence of Professional's intent to abandon any part of Professional's water right. The limitation is made purely to compromise the existing dispute.

2. CSI will dismiss with prejudice all claims against Professional now contained in Civil No. 37298, each party to bear its own costs, and CSI for itself, its subsidiaries, divisions and affiliates and its officers, directors, employees and agents, if any, does hereby release and forever discharge Professional and its subsidiaries, divisions and affiliates and its officers, directors, employees and agents, if any, from any and all claims, demands, controversies, actions, causes of actions, obligations or liabilities of any nature, whatsoever, whether at law or in

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NOV 13 1989

equity which have accrued to date whether or not now or heretofore known, unknown, expected, alleged or claimed which the CSI had, or now has against Professional which were asserted or might have been asserted in Civil No. 37298.

4. Professional and CSI agree that the propagation of any species of fish (warm, cold, tropical, or any kind of fish) is a beneficial use of water pursuant to Professional's licensed water right and that CSI will not now or hereafter file any claim or raise any defense in any action, proceeding or dispute to the contrary.

5. Professional and CSI agree that this agreement is and will be binding on them in any subsequent water right adjudication, specifically including the Snake River Basin Adjudication. CSI agrees that it will not file or make any statements, reports or objections against Professional's ownership and use of its licensed water right in the amount of 4.5 cfs in the Snake River Basin Adjudication.

6. Professional agrees to support the efforts of IDWR to obtain funding from the Idaho Legislature so as to perform adequate and continuing hydro-geological studies for the common hot water aquifer which is the subject of this litigation.

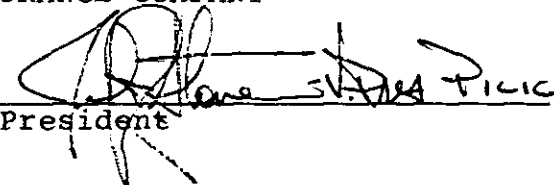
7. Professional agrees to the installation of a measuring device, approved by IDWR, which will provide an instantaneous readout and totalizing head so that the systems can be readily monitored and integrated volumetric measurements of pumpout obtained over the period of the existing moratorium.

8. Professional and CSI agree that nothing herein contained shall prevent either party from seeking relief by injunction or otherwise or an order requiring modification or closing of any well found to be in violation of Idaho Code §§42-237(a) and 42-1601 et seq.

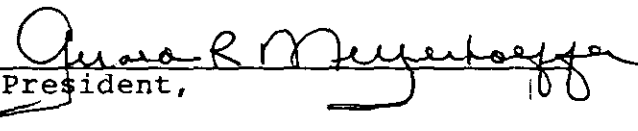
9. Professional and CSI hereto bind their heirs, personal representatives, successors, and assigns.

IN WITNESS WHEREOF, this Settlement Agreement has been executed on the day and year first above written.

PROFESSIONAL INVESTORS LIFE
INSURANCE COMPANY

BY: 
Vice President

COLLEGE OF SOUTHERN IDAHO

BY: 
President,

SBO:051188A

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NOV 13 1989

STATE OF Idaho)
County of Twin Falls) ss.

On this 19th day of May, 1988, before me, a Notary Public, in and for said County and State, personally appeared Jeff P. Stone, known or identified to me to be the Vice President of PROFESSIONAL INVESTORS LIFE INSURANCE COMPANY, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

John A. Roswell
NOTARY PUBLIC FOR Idaho
Residing at: Twin Falls
My commission expires: 1989

STATE OF IDAHO)
County of Twin Falls) ss.

On this 19th day of May, 1988, before me, a Notary Public, in and for said County and State, personally appeared Gerald R. Meyerhoeffer, known or identified to me to be the President of the COLLEGE OF SOUTHERN IDAHO, the entity that executed the foregoing instrument, and acknowledged to me that such entity executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

William L. Lamm
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, Idaho
My commission expires: 10/14/92

NOT RECORDED

NOV 13 1989

PROFESSIONAL *Investors*
INSURANCE GROUP, INC.

P. O. BOX 2888

TULSA, OKLAHOMA 74101

(918) 665-8280

December 21, 1987

RECEIVED
FEB - 8 1988

Mr. Norman Young, Acting Director
Department of Water Resources
State House
Boise, Idaho 83720

Department of Water Resources

Re: College of Southern Idaho Partial Abandonment of water
rights under (Permits 47-7478 and 47-7606).

Dear Mr. Young:

After our discussion on December 18, 1987, it got me to thinking about CSI'S outstanding lawsuit against everyone pulling from the Twin Falls Aquifer. There is a saying about persons living in glass houses. After we spent \$100,000.00 plus on our well, I think it is only fair to bring up the issue of partial abandonment concerning CSI facts:

- 1) Permits 47-7478 and 47-7606 were issued to CSI giving them rights to 12+SF hot water.
- 2) CSI has entered into a moratorium agreeing to limit total diversion under both permits to 6.0 SF.
- 3) Total open flow under #47-7478 when new in 11-79 was 800 GPM
Total open flow under #47-7606 when new in 4-81 was $\frac{1100}{1900}$ GPM
or 4.22 SF both wells

The wells have never and will never exceed 4+SF again without pumping or drilling another well (which is prohibited under CSI'S moratorium).

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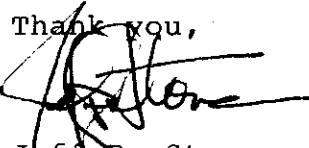
NOV 13 1989

December 21, 1987

With the wells drilled 1979/1981, it seems the college has never used it's permitted amount and cannot use it 7 plus, years later. I have discovered in talking with their onsite powerplant Engineer that the #1 well is capable of 1.2SF and the #2 well is capable of 1.75 SF. If CSI were to license today, the combine total would only be 2.9 SF. If CFI gets the water Resources approval on this moratorium they will be able to operate at the higher allowable 5 more years than is usually allowed during the permitting process.

We at Professional Investors wish you would push CSI to license at their present rate and ignore their filing under the Geothermal Act of Idaho.

Thank you,



Jeff R. Stone
Vice President

JPS:dh

cc: Stan Owen
Jathan Janove
Michael Huggins
John Rosholt

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NOV 13 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 47-7606

Name(s) of Permit Holder(s): _____

Post Office Address: _____

Tel. No. _____

☒ I hereby certify that construction of diversion for the above referenced permit began on August 1989 (date). I understand that I must continue to develop the water system with 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.

8/2/82
Date

C. S. by B. M. Mowman
Signature of Permit Holder

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NOV 13 1989



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



PLACE
STAMP
HERE

July 7, 1986

College of Southern Idaho
315 Falls Avenue W.
P. O. Box 1238
Twin Falls, ID 83301

Gentlemen:

Re: Permit No. 47-7606

Enclosed is a copy of the Memorandum Decision and Order partially approving and partially denying the Request for Extension of Time. The time within which to submit proof of beneficial use is extended to January 1, 1990.

Section 42-1701A, Idaho Code provides that a person aggrieved by a decision of the director may request a hearing on the matter. Such a request for hearing must be in the form of a written petition stating the grounds for contesting the action of the director.

If you have any questions concerning this matter, please feel free to contact this office.

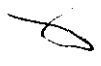
Sincerely,

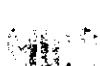
L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc w/enc. Terry T. Uhling





M E M O R A N D U M

TO: Glen Saxton

DATE: June 13, 1986

FROM: Phil Rassier *PR*

SUBJECT: CSI Request for Extension of Time For
Permit No. 47-7606

You have indicated that the Department is considering granting the above referenced request for extension of time for a lesser amount of water than that covered by the permit. You asked that I make a brief review of the response of counsel for CSI regarding the appropriateness of the Department's proposed action.

CSI's counsel argues that based upon due diligence in developing the permit, CSI should be granted an extension of time under I.C. § 42-204(4) (Supp. 1985) to fully develop the permit. Counsel also argues that, by analogy, CSI as a public corporation should be entitled to the same treatment accorded a city in the case of Beus v. City of Soda Springs, 62 Idaho (1940), and be allowed to appropriate water for future needs.

While the courts might someday decide that a public corporation may, in a manner similar to municipalities, apply to appropriate water for future expected but uncertain needs, I do not believe that is presently the status of the law. I, therefore, do not believe that it would be proper for the Department to grant an extension of time to develop an existing permit based upon that theory.

The request for extension should, in my opinion, be granted or denied based upon whether good cause has been shown as required by I.C. § 42-204. Good cause would appear to exist if the applicant has proceeded diligently and in good faith toward the completion of the project and can demonstrate a reasonable likelihood that the water right applied for will be put to beneficial use within the additional time authorized to be extended by the statute.

In this particular instance, the maximum extension authorized by the statute is 5 years. CSI would appear to be eligible for an additional extension in the future, if necessary, based upon any delay in development resulting from the pending litigation in the case of CSI v. IDWR, Twin Falls County Case No. 37298.

If the applicant fails to demonstrate a reasonable likelihood that all of the water covered by the permit will be put to beneficial use within the period to be extended, the Department may consider approving the request for extension in part and denying it in part.

As usual, the Department's transmittal letter should draw attention to the opportunity for a hearing before the director in accordance with section 42-1701A(3), Idaho Code.

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NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered
ATTORNEYS AT LAW

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700

Boise Office
1020 MAIN ST., SUITE 320
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

TERRY T. UHLING
F. BRUCE COVINGTON
LAIRD B. STONE
JERRY JENSEN
GARY D. SLETTE

Reply to
Twin Falls office

May 30, 1986

RECEIVED
JUN 4 1986

Norman C. Young, Administrator
Resource Administration Division
State of Idaho Dept. of Water Resources
Statehouse
450 West State Street
Boise, Idaho 83720

Department of Water Resources

RE: Permit No. 47-7606 - College of Southern Idaho

Dear Norm:

We have assimilated the data requested by your May 5, 1986, letter referencing Permit No. 47-7606. The following is a summary of additional projects that the College of Southern Idaho has pursued regarding Permit No. 47-7606 that were not included in my previous letters.

(A) Vo-Tech Building "B" - TAS Study conducted by Heath Engineering. Cost: \$2,250.00.

(B) Vo-Tech Center - TAS Study conducted by Heath Engineering. Cost: \$8,250.00.

(C) Residence Hall - TAS Study is being conducted by Heath Engineering. Cost: \$3,600.00.

(D) Connection of Chiller No. 1 to the P.E. Building:

1. The piping necessary for the installation of the connection between Chiller #1 to the P.E. Building has been let to bid in April of 1986. The estimated material cost is \$37,000.00. The estimated labor cost is \$20,000.00.

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2. The plans to connect Chiller No. 1 to the P.E. Building were included in a 1983 proposal to develop geothermal resources on the College of Southern Idaho campus. The Chiller/P.E. connection continues the completion of a loop to allow Well #1 and Well #2 to provide the resources necessary to heat the campus buildings.

(E) Agriculture-Science Building:

1. CSI and the University of Idaho formed a joint committee composed of four University of Idaho representatives and seven College of Southern Idaho representatives to meet on the construction of a Agriculture-Science Building on the College of Southern Idaho campus. These individuals met approximately six times and produced a booklet including blueprints of an Agriculture-Science building dated June 12, 1984. These same individuals have continued their contacts regarding this building and have updated the original June 12, 1984 booklet and have produced an updated booklet entitled "A Proposed Agriculture-Science Building, A Multi-Institution Approach". Estimated cost of time and expense in project: \$20,000.00.

2. The design and concept of the Agriculture-Science building has been submitted for the State Board of Education.

3. The Agriculture-Science Building is being considered as part of a Feasibility Study for the Trade Center Concept.

(F) The Library Building:

1. There have been several staff meetings referencing the feasibility of the library building that occurred in 1985 and 1986. The cost of time and expenses are estimated to be \$2,000.00.

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Norman C. Young
May 30, 1986
Page 3

2. In January of 1986, the College of Southern Idaho hired CTA Architects and Engineers to produce a preliminary design for the building. The preliminary design was furnished to the College on March 20, 1986. The preliminary design includes blueprints consisting of floorplans and an external view of the building. Cost: \$2,400.00

(G) Warm water, Fish Culture:

1. The College of Southern Idaho constructed in the Vo-Tech "D" Building, an experiment to analyze the feasibility of growing warm water fish. This project was completed in 1984 and has continued in use since that time. Estimated cost: \$9,000.00.

2. The College of Southern Idaho has formed committees on warm water fish aqua-culture to analyze and review further development of CSI's facilities for the construction of physical facilities to raise warm water fish. Approximate cost: \$3,000.00.

3. In 1984, the College of Southern Idaho completed sketches and preliminary drawings outlining the physical facilities for warm water fish culture. Estimated cost: \$500.00.

(H) All the original campus plans, including the installations of parking and utilities have been designed and implemented for the addition of the buildings and facilities proposed in this letter.

The above outlines in summary fashion the activities that CSI continues to follow in order to diligently develop its geothermal resource. I believe it is important for the Department to carefully analyze all of the activities that CSI has followed in the development of its geothermal resource. The development of the geothermal water resource by CSI corresponds to their initial plans for the development of the campus. The projects proposed and being pursued by CSI is part of this plan development.

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Norman C. Young
May 30, 1986
Page 4

I believe there are several matters the Department needs to consider when reviewing the College of Southern Idaho's request for an extension under Permit No. 47-7606. The first issue appears to be a misunderstanding that we discussed in our previous meeting after I received your May 5, 1986 letter. The May 5, 1986 letter indicated that the quantity of water the Department was considering under the extension would equal the quantity estimates that the College of Southern Idaho provided in our previous letter. The quantities contained in our previous correspondence were only estimations of the amount of water needed. I have increased our estimations of the quantity of water needed to ensure that the College of Southern Idaho has sufficient water to meet the project requirements granted under the extension. The following is a list of the quantity of water the College of Southern Idaho believes is necessary for each project:

<u>BUILDING</u>	<u>AREA</u>	<u>EST. LOAD</u> <u>BTU/HOUR</u>	<u>DIRECT USE</u> <u>GPM</u> <u>(OR ACTUAL)</u>
ATHLETIC BUILDING	45,416	1,350,000	207✓
FINE ARTS	25,650	500,000	81✓
(ADDITION?)	---	---	58
TAYLOR BUILDING	40,169	900,000	159✓
TAYLOR BUILDING ADDITION	7,500		35✓
SHIELDS BUILDING	55,485	750,000	30
SCIENCE BUILDING	100,000	3,000,000	460
LIBRARY BUILDING	45,000	900,000	138
VO-TECH BLDG. "B"	19,067	600,000	92
-VO-TECH CENTER	70,356		518
VO-TECH BLDG. "D"	28,820	---	410
MAINT. BLDGS. COMPLEX	9,527	150,000	105
-RESIDENCE HALL	28,784	500,000	104
MARRIED HOUSING			575
AQUATIC USE	---	---	1,000
SWIMMING POOL	---	2,500,000	450✓

There are two legal issues that the Department should consider when reviewing the College of Southern Idaho's request for extension of time. The first legal issue involves the proposed reduction in quantity of water that the Department is considering under the College of Southern Idaho's extension.

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Norman C. Young
May 30, 1986
Page 5

The College, based upon their diligence, should be granted the right to develop the full 15 c/f/s within the time frame established by the permit and extension. The time limitation should determine whether the 15 c/f/s is developed by the College. This interpretation is consistent with the rationale that supports Idaho Code § 42-204.

The Department should grant the College of Southern Idaho's extension for the entire quantity of water because of our status as a public corporation. The Idaho Supreme Court provided a municipal corporation with the right to appropriate water for future needs in Beus v. City of Soda Springs, 62 Idaho 1, 6-7, 107 P.2d 151 (1940). In Beus, the plaintiffs contended that the city had abandoned their water right for failure to apply the water to a beneficial use. The Idaho Supreme Court reviewed the ability of a municipality to acquire and hold water rights for future needs. The Idaho Supreme Court analyzed Idaho Code § 49-1132 and held that a municipal corporation, by implication, had the right to acquire and hold water for future development. The Court reasoned that the legislature, in providing a city with the right to acquire water rights, must have contemplated that there would be future, as well as present needs for water.

This same rationale is applicable to the College of Southern Idaho. Idaho Code § 33-2108 provides that a junior college is a public corporation. Idaho Code § 33-2107(8) provides that a junior college has the power to acquire, hold, and dispose of water rights. The Beus case, as applied to the College of Southern Idaho, allows the College to acquire water rights for future needs. The same rationale that applied to the City of Soda Springs would apply to the College of Southern Idaho. The legislature, by providing the College with the power to hold and acquire water rights has by implication granted the College the power to hold and maintain water rights for future development and growth.

This is consistent with the College of Southern Idaho's continued development of its geothermal resource in conjunction with development on the campus. The Beus v. City of Soda Springs case provides the Department with authority to grant an unconditional time extension for the development of the College of Southern Idaho's water right in this geothermal aquifer. The Beus case, at a minimum, requires the Department to grant the College of Southern Idaho the full time period under Idaho Code § 42-204 to develop the 15 c/f/s originally applied for in their Permit.

MICROFILMED

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

ATTORNEYS AT LAW
142 3RD AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700

BOISE OFFICE:
1020 MAIN ST., SUITE 320
P.O. BOX 1805
BOISE, ID 83702-1805
(208) 336-0700

TERRY T. UHLING
F. BRUCE COVINGTON
LAIRD B. STONE
GARY D. SLETTE
JERRY JENSEN

May 14, 1986

RECEIVED
MAY 19 1986

Department of Water Resources

Norman C. Young, Administrator
Resource Administration Division
State of Idaho Dept. of Water Resources
Statehouse
450 West State Street
Boise, Idaho 83720

RE: Permit No. 47-7606 - College of Southern Idaho

Dear Norm:

Thank you for taking the time out of your schedule to meet with John Rosholt and me referencing the College of Southern Idaho's water rights on May 9th. I appreciate the continued assessability of the Department of Water Resources and your time in helping us assimilate the necessary data regarding Permit No. 47-7606. I am in the process of preparing the appropriate data to document the College of Southern Idaho's diligence towards developing their geothermal resource right under Permit No. 47-7606.

I will provide a letter outlining the developmental stages of each project undertaken by the College of Southern Idaho. If my letter does not contain the data you feel is necessary in your review of CSI's water right, please contact me so that we may discuss the same.

Thank you again for your continued cooperation and assistance in this matter.

Sincerely yours,


TERRY T. UHLING

TTU:crh
96941

MICROFILMED

May 5, 1986

Terry T. Uhling
Nelson, Rosholt, Robertson, Tolman & Tucker
P. O. Box 1906
Twin Falls, ID 83303-1906

Dear Mr. Uhling:

RE: Permit No. 47-7606 - College of Southern Idaho

I have received and reviewed your letter of April 16, 1986 in connection with the pending request for extension of time for the above referenced permit.

As I'm sure you understand, past department correspondence with you has been for the purpose of assuring some development has occurred under Permit No. 47-7606 in compliance with the water appropriation statutes, to determine a reasonable time for which the extension can be approved and to determine an adequate rate of diversion for the anticipated development. Because of the ongoing concern that the warm artesian aquifer in the Twin Falls area is being overstressed, the department is carefully evaluating requests for extensions of time or amendments of permits in the area.

Your letter adequately documents that development was pursued during the authorized development period and that an extension should be granted. Additional clarification is requested in this letter to determine the rate of flow for the project and a necessary time period for development to be completed.

Our review indicates that some of the water uses described in your letter will be included in the license to be issued for prior Permit No. 47-7478. For this reason, the extension when approved will not include these uses as additional development to be made under 47-7606.

The planned uses which appear to be already developed or are actively being developed under Permit No. 47-7606 include:

MICROFILMED

May 5, 1986

Athletic Building	180 gpm
Fine Arts Building	120 gpm
Taylor Building	138 gpm
Taylor Addition	<u>30 gpm</u>

TOTAL	468 gpm
-------	---------

The uses described as Vo-Tech Building "B", Vo-Tech Center and residence hall appear to be for existing buildings and will be included in the department's extension of time approval upon a showing that the improvements were actively pursued as evidenced by preparation of plans and specifications or other tangible efforts toward construction. The uses referred to as "future" will not be included in the extension of time approval unless something beyond conceptual plans can be provided to demonstrate that the developments are not speculative.

The use referred to as "possible swimming pool" is not a use authorized by the permit and would require an amendment to include a recreational purpose and evidence to demonstrate that the project has actively been pursued before it can be included in the approved extension.

The grant period requested by CSI from D.O.E. in connection with the Athletic Building and Fine Arts Building will likely expire on April 30, 1988. Since CSI could request and obtain an eighteen (18) month extension after expiration of the grant period, the department plans to extend the proof due date to November 1, 1989. The information now available will allow the department to grant the extension request for a permitted rate of diversion of 468 gpm (1.04 cfs).

Please provide any additional data within thirty (30) days to allow justification for an extension of a greater amount or a longer time period.

Please contact this office if you have questions.

Sincerely,

NORMAN C. YOUNG
Administrator
Resource Administration Division

NCY:alw
cc: CSI

MICROFILMED

172

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

ATTORNEYS AT LAW
142 3RD AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700

BOISE OFFICE:
1020 MAIN ST., SUITE 320
P.O. BOX 1805
BOISE, ID 83702-1805
(208) 336-0700

TERRY T. UHLING
F. BRUCE COVINGTON
LAIRD B. STONE
GARY D. SLETTE
JERRY JENSEN

April 16, 1986

RECEIVED
APR 18 1986

Department of Water Resources

Mr. L. Glen Saxton
Idaho Dept. of Water Resources
Statehouse
450 West State Street
Boise, Idaho 83720

RE: Permit No. 47-7606 (College of Southern Idaho)

Dear Mr. Saxton:

I appreciate your April 14, 1986 letter referencing the College of Southern Idaho's extension of time request under Permit No. 47-7606. I apologize for the delay in providing you the requested information. I have assimilated the information I believe is necessary for your consideration in approving our request for an extension as required under Idaho Code § 42-204. The following is a list of work accomplished pursuant to Permit No. 47-7606 prior to January 1, 1985:

1. The location of two wells on the CSI campus titled Well #1 and Well #2:

COSTS:	WELL #1	<u>\$105,696.00</u>
	WELL #2	<u>\$99,996.30</u>

2. The installation of 500 foot of pipe between Well #1 and Chiller #2 at \$65.00 per foot.

COST:	<u>\$32,500.00</u>
-------	--------------------

Taylor Administration Building.
Heath Engineering -- TAS (Technical Assistance Study).

COST:	<u>\$7,275.00</u>
-------	-------------------

TOTAL	<u>\$245,467.30</u>
-------	---------------------

MICROFILMED

Mr. L. Glen Saxton
April 16, 1986
Page 2

CSI, since January 1, 1985, has continued to work diligently in their effort to maximize the utilization of the hot water resource. The College has spent the following sums in addition to those outlined above in conjunction with developing its right under Permit No. 47-7606:

- (a) Taylor Administration
Building - completed on
November 12, 1985 \$138,341.00
- (b) Taylor Administration
Building addition: (the
total cost of heating
system associated with
utilization of the
geothermal water). \$101,000.00
- (c) Heath Engineering - TAS
study on the fine arts
building: \$ 2,500.00
- (d) Heath Engineering - TAS
study on the P.E.
building \$ 5,400.00
- TOTAL \$247,241.00

I do not understand your request for the justification of our rate of diversion. I am assuming that you are requesting information on potential development by the College of Southern Idaho in this aquifer. I anticipate that the College, based upon the Heath Engineering study in 1983, expects the following projects to be completed before January 1, 1990:

<u>BUILDING</u>	<u>AREA</u>	<u>EST. LOAD BTU/HOUR</u>	<u>DIRECT USE GPM (OR ACTUAL)</u>
ATHLETIC BUILDING	45,416	1,350,000	180
FINE ARTS	25,650	500,000	70
(ADDITION?)	---	---	50
TAYLOR BUILDING	40,169	900,000	138**
TAYLOR BUILDING ADDITION	7,500		30**

MICROFILMED

Mr. L. Glen Saxton
April 16, 1986
Page 3

SHIELDS BUILDING	55,485	750,000	30**
SCIENCE BUILDING (FUT)	100,000	3,000,000	400
LIBRARY BUILDING (FUT)	45,000	900,000	120
VO-TECH BLDG. "B"	19,067	600,000	80
VO-TECH CENTER	70,356		200-450
VO-TECK BLDG. "D"	28,820	---	410
MAINT. BLDGS.	9,527	150,000	105**
COMPLEX			
RESIDENCE HALL	28,784	500,000	70-90
MARRIED HOUSING (FUT)			500
POSSIBLE AQUATIC USE*	---	---	500*
POSSIBLE SWIN POOL*	---	2,500,000	450*

TOTAL GALLONS OF THOSE RATED AS DONE OR 95% OR
BETTER = 1583 GPM TOTAL

* During heating season, these could possibly be secondary use of water, other periods we would need to use it directly from the well.

** Actual installation

The extension of time is necessary for the College to continue with its progressive utilization of hot water on the CSI campus. The time extension is required in order to continue the planning, development and implementing of the geothermal projects. The development of the College of Southern Idaho 's geothermal resource has allowed CSI to review and develop more efficient methods of retro-fitting the buildings. The formulating of designs, drafting blueprints, and completing technical studies require the College to seek in good faith this extension of time. The extension of time will allow the College of Southern Idaho to continue with their use and development of the geothermal resource.

I would request that you contact me referencing any decision by the Department to limit the rate of diversion beyond the rate previously applied for under the permit. The information I have provided to the Department indicates a potential development by the College based upon today's status. It is very difficult to determine whether the entire c/f/s requested may be necessary for future projects within the five year time frame by the College of Southern Idaho.

UNRECORDED

Mr. L. Glen Saxton
April 16, 1986
Page 4

I thank you in advance for your continued cooperation
and assistance in this matter.

Sincerely yours,


TERRY T. UHLING

TTU:crh
93351

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

April 14, 1986

Terry T. Uhling
Nelson, Rosholt, Robertson,
Tolman & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

Re: Permit No. 47-7606 (College of Southern Idaho)

Dear Mr. Uhling:

On February 24, 1986, you advised the Department that you would soon send the following information in connection with the above-referenced permit:

- a) Documentation to show the work accomplished under the permit prior to January 1, 1985.
- b) Information to justify the rate of diversion.
- c) A justification or showing of the time extension required under the permit.

On March 13, 1986, you advised me by telephone that you would soon send the information. However, to date, the Department has not received the information. Please expedite the information submittal as you have planned in the past, since the Department must take action on the pending request for extension of time.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

1s

cc: College of Southern Idaho
IDWR, Southern Region

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM Glen

DATE 2-26-86

TO File 47-7606

SUBJECT - The ext approval needs to be conditioned (among other conditions) that "Use of water for fish propagation purposes is authorized only after the water has been beneficially used for heating purposes".

RECEIVED

VLS

SIGNATURE

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW
142 3RD AVE NO.

MAILING ADDRESS: P.O. BOX 1906
TWIN FALLS, ID 83303-1906
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER

TERRY T. UHLING
F. BRUCE COVINGTON
LAIRD B. STONE
GARY D. SLETTE

February 12, 1986

RECEIVED
FEB 13 1986

Mr. L. Glen Saxton
Chief, Operations Bureau
State of Idaho
Department of Water Resources
450 West State Street
Boise, Idaho 83724

Department of Water Resources

RE: Permit No. 47-7478 & 47-7606, College of Southern Idaho

Dear Glen:

This letter is in reponse to your January 24, 1986 letter referencing Permit Numbers 47-7478 and 47-7606. I have reviewed your letter and pursuant to our recent telephone conversation, will provide you the following information referencing our continued good faith effort to develop our water right under Permit No. 47-7606. The College of Southern Idaho has taken the following steps in the development of the water right under Permit No. 47-7606.

(a) The location of two wells on the CSI campus located in the SE 1/4 SW 1/4 and NE 1/4 SW 1/4, Section 4, Township 10 South, Range 17 East B.M.

(b) In October of 1985, the College of Southern Idaho completed the retro-fitting of the Taylor Administration Building which is approximately 40,000 square feet to use geothermal water for space heating. This retro-fitting was a success. During the record cold winter of 1985, it provided 100% of the space heat necessary for the Taylor Administration Building.

(c) Engineering studies recommending conversion to geothermal heat were completed in December of 1985 referencing the Physical Ed. and Fine Arts Buildings which total

MICROFILMED

L. Glen Saxton
Id. Dept. of Water Resources
February 12, 1986
Page 2

approximately 70,000 square feet. CSI is in the planning and development stage of installing underground insulated pipe in the coming spring and summer of 1986 with retro-fitting to these facilities beginning in the fall of 1986.

(d) Construction of a 7,500 square foot addition to the Taylor Administration Building is in progress. This addition will utilize geothermal water for space heating purposes when finalized.

(e) The College of Southern Idaho is involved in a lawsuit in the Fifth Judicial District Court of the State of Idaho in and for the County of Twin Falls, (College of Southern Idaho v. Idaho Department of Water Resources, et al.).

The above outlines several of the activities the College of Southern Idaho has undertaken in the development of its water rights under Permit Number 47-706 as required by Idaho law. We are willing to provide the Department of Water Resources with any information, including engineering studies, plans, and cost data that have been completed and incurred by the College of Southern Idaho in development of its valuable geothermal water resource. We will continue to develop our water right under the guidance of Idaho law in order to facilitate the saving of Idaho taxpayer dollars by beneficially utilizing the geothermal water resource.

If you have any questions, please feel free to contact me.

Sincerely yours,



TERRY T. UHLING

TTU:crh
85601

MICROFILMED

January 24, 1986

Terry Uhling
NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
P. O. Box 1906
Twin Falls, 83301

Dear Mr. Uhling:

Re: Permit No. 47-7478 and 47-7606
College of Southern Idaho

A review of department records shows that in November 1984, the College of Southern Idaho submitted to the department a request for extension of time in connection with Permit No. 47-7606, which is the later in time permit in the name of the college. Action has not been taken by the department on the request as a result of the pending law suit filed on behalf of CSI.

Proof of beneficial use was filed on the earlier Permit No. 47-7478 on June 9, 1983 and was examined on March 18, 1985 by department personnel to determine the extent of beneficial use. The department examiner found that the rate of diversion being beneficially used was a total of 1.21 cfs being diverted from two wells located in the SE1/4SW1/4 and NE1/4SW1/4, Sec. 4, Twp 10S, Rge. 17E B.M. When issued, license 47-7478 will show this rate of diversion. No additional development is authorized under this permit.

The purpose of this letter is to request and to obtain information related to the start of construction under Permit No. 47-7606 before further considering the pending extension of time request. ←

As you undoubtedly are aware, provisions of Sec. 42-204 Idaho Code require the start of construction within one year of the permit issuance and diligent and uninterrupted prosecution of the work to completion unless temporarily interrupted by circumstances over which the permit holder has no control. (Lack of funding is not a reason which can be considered).

Upon receipt of information satisfactory to the director that compliance with Sec. 42-204, Idaho Code relative to Permit No. 47-7606 has

RECEIVED

occurred, the department will be in a position to further consider the pending extension request on the permit. Please forward the information with twenty (20) days.

If you have questions, please feel free to contact the department.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Southern Region
College of Southern Idaho

MICHAEL
ED

INTER-DEPARTMENT MEMO — 1

FROM

Glen

DATE

11-26-85

TO

Files 47-7478 & 47-7606

SUBJECT

*- The Firm of Halley & Troxel
requested copies of apps, amend-
ments, exts etc. today.*

MICROFILMED

VZJ

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

March 8, 1985

RE: Permit Nos. 47-7478 & 47-7606

College of Southern Idaho
Box 1238
Twin Falls, ID 83301

Gentlemen:

Enclosed are copies of the approved Applications for Amendment submitted in connection with the above referenced permits.

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

Sincerely,

JIM JOHNSON *by kw*
Water Distribution Supervisor

JJ:sc

Enclosures

MICROFILMED

WATER RIGHT NUMBER 47-7606

OWNER LAST NAME - COLLEGE OF SOUTHERN IDAHO

FIRST NAME - ORIG OWNER -

ADDRESS LINE 1 - P. O. BOX 1238

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - TWIN FALLS,

STATE - ID ZIP CODE - 83301

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - PERMIT

STATUS -

PRIORITY - 12-05-1979 COUNTY - TWIN FALLS TOTAL DIV. RATE - 15.0000 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRF/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWSW 04 10S 17E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

NWSE 04 10S 17E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 01-01 TO - 12-31 USE - HEATING

USE DIV. RATE - 15.0000 CFS USE DIV. VOLUME - .00 AFA

FROM - 01-01 TO - 12-31 USE - FISH PROP.

USE DIV. RATE - 15.0000 CFS USE DIV. VOLUME - .00 AFA

USE - FISH PROP.

PLACE OF USE - TWN 10S RNG 17E SEC 04 TRACT NESW LOT AC TRACT NWSW LOT AC

TRACT SWSW LOT AC TRACT SESW LOT AC

TRACT NESE LOT AC TRACT NWSE LOT AC

TRACT SWSE LOT AC TRACT SESE LOT AC

DATE - TOTAL ACRES 0

DECREE NAME -

REMARKS -

NON IRRIG USE - G/CAMPUS BUILDINGS, H/RESEARCH!

OTHER RIGHTS FOR SAME USE - 47-7478

PROOF DUE - 01-01-1985 PERMIT/DENIED - 01-24-1980 PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL - 01C 09A

DIVERSION MEANS - WELL, MOTOR AND PUMP



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

November 16, 1984

College of Southern Idaho
315 Falls Ave. W.
P. O. Box 1238
Twin Falls, ID 83303-1238

PERMIT NO. 47-7606

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. 35831.

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

COLLEGE OF SOUTHERN IDAHO

315 Falls Avenue • P.O. Box 1238
Phone 208-733-9554
Twin Falls, Idaho 83301

RECEIVED

NOV 15 1984

Department of Water Resources

November 13, 1984

Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Request For Extension of Time
Water Right Permit

Ladies & Gentlemen:

Enclosed is the Request For Extension of Time
form completed and signed as requested. Also,
enclosed is the \$15.00 filing fee.

If there is anything further, please be sure
and let us know.

Sincerely yours,

PHYSICAL PLANT DEPARTMENT


Don Buettner
Energy Management Supervisor

cb

encls.

MICROFILMED

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.

Comes now THE COLLEGE OF SOUTHERN IDAHOof (address) P. O. Box 1238, 315 Falls. Ave. W., Twin Falls, Idaho, 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. 47-7606, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE ¼ SW ¼, Section 4, Township 10 S., Range 17 E., B.M.,
(well #1) (well #2) (well #3)
County of Twin Falls. Other points of diversion: NE ¼ SW ¼, SW ¼ SW ¼
(fish hatchery)
Section 4, Township 10 S., Range 17 E; SE ¼ NE ¼, Section 21, Township 10 S., Range 17 E.
SE ¼ NE ¼ JJ 1/2/85

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 15 cfs for space heating purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum) fishAmount 15 cfs for propagation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10 S.	17 E.	4									X	X	X	X		X	X		
		21				X													

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Applicant and Twin Falls Fish & Wildlife Conservation Corp.
- b. Who owns the land to be irrigated or the place of use? Applicant and Twin Falls Fish & Wildlife Conservation Corp.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Property owned by Twin Falls Fish & Wildlife Conservation Corporation is being leased by the College of Southern Idaho indefinitely.
Addendum on lease provides for improvements on property. (See Attached)

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.

MICROFILMED

Scale: 2 inches equal 1 mile.

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

Signed at Twin Falls, IDAHO, this 21 day of JUNE, 19 84.

[Signature]
(Signature) President

FOR DEPARTMENT USE ONLY

33115

Preliminary check by JS Fee = \$20.00
Publication prepared by max Date 7/10/84
Publication dates 7/19 + 7/26/84

Received by TB Date 6-21-84
Published in times news

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, of the Department of Water Resources hereby
Approve the above referenced Amendment provided the conditions as set forth
on page 4 of Permit No. 47-7606 are met. The facility volume under this permit
for fish propagation is limited to 2000 cubic feet.

Witness my hand this _____ day of January, 19 85

Chief, Operations Bureau

Superseded
by
app for amend.
filed
2-21-85

128

CSI FISH CULTURE PROPOSED

30 gpm will be
needed at first

500 gpm for future
expansion

CLASS ROOM

24 TANKS
FOR JUVENILE
FISH AND
EXPERIMENTATION

APPROX.
EACH 5' X 20' X 3' DEEP

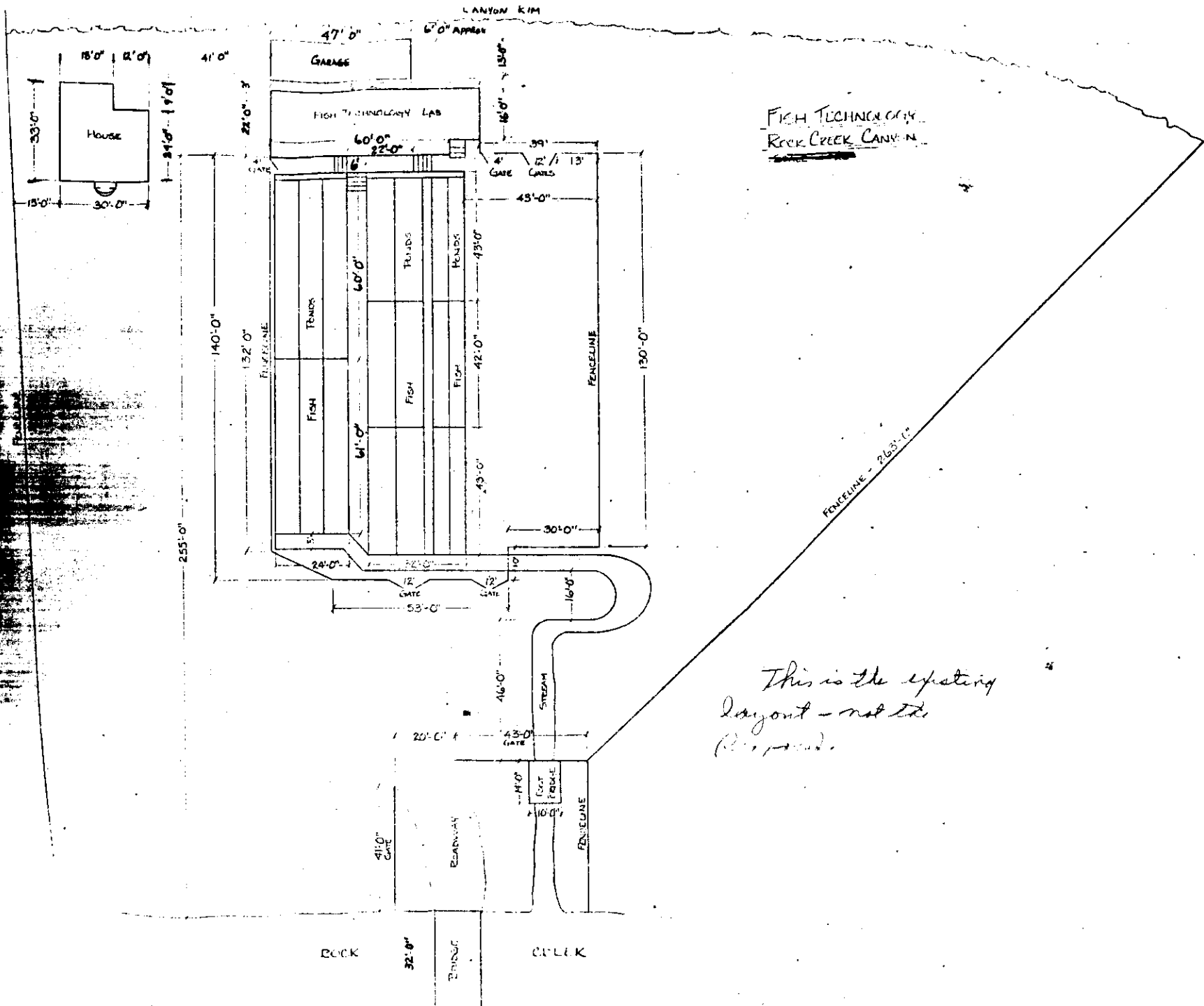
TOTAL = 7200 CU FT.

6
DRAINS IN EACH

PONDS FOR
LARGE CATFISH
AND BASS
APPROX 50' X 150'
X 4' DEEP

EXIT TO ROCK CREEK

FISH TECHNOLOGY
ROCK CREEK CANYON



This is the existing layout - not the proposed.

RECEIVED

MEMORANDUM

TO: File 47-7606

FROM: Jim Johnson *Jim*

DATE: January 2, 1985

RE: Amendment of Permit Application

On this date I discussed with Dave Tuthill possible alternatives that could be taken to process this amendment with assurance that no expansion in water use would occur.

Since the amendment application did not specifically state that additional fish propagation facilities were being requested (raceway plans were submitted with attachment but information appeared to be incidental to the intent of the amendment to change the location description of the points of diversion and place of use) it was concluded that the matter could be clearly identified by placing a condition on the amendment limiting facility volume to 2000 cubic feet.

The error found in the location description of the point of diversion in Section 21 has been corrected - readvertisement was not necessary because the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21 is within the NE $\frac{1}{4}$.

A request for extension of time has been received and documents that state construction of the diverting works has been initiated, therefore, no further action is required for determining if the permit holder has complied with the provisions of Section 42-204, Idaho Code.

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

Ylen

TO

Norm

DATE

10-19-84

SUBJECT

- you had a couple questions on this matter.

REQUEST

FOR EXTENSION

OF TIME RECEIVED (11-15-84)

SHOWING THAT CONSTRUCTION

HAD BEEN INITIATED

1). evid of start of constr. - valid pt.
(will be pursued)

2) Potential expansion - upon detailed review, the fish propog proposal is an expansion, i.e. from 2000ft^3 to 7200ft^3

- Plz return & we'll pursue with the region.

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM Glen

DATE 10-18-84

TO Dave T.

~~SUBJECT~~

- Plz review this amendment.
- the file was routed to Beal since p.d.'s are within the boundaries of Twin Falls G.W.M.A.
- Fish use looks like an expansion
i.e. 2000^{ft}³ permit v.s. 7200^{ft}³ amend
- Start of constr - 1 yr - evid?
- Let's discuss. (OVER)

[Signature]

SIGNATURE

any approval needs to clarify
p.d in Sec 21.

i.e. - P.d prob. should be SE⁴NE⁴

- amend to advert shows

Dave T ~~MS~~

- This can now
be pursued w/
region.

- Suggest we
discuss w/
region before
corresp w/
permit holder.

~~MS~~
10-17-84

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138442

COLLEGE OF SOUTHERN IDAHO
P. O. BOX 1239
TWIN FALLS,, ID 83301

PROOF DUE NOTICE

OCTOBER 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 47-7606 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JANUARY 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH 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, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

RECEIVED

MEMORANDUM

TO: File 47-7606
FROM: John Beal *gsael*
DATE: October 12, 1984
SUBJ: Amend Application

Old Points of Diversion:	NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 4,	T10S,	R17E
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"
New Points of Diversion:	SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	"	"	"
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	21	"

I have reviewed the permits, license, etc. now issued near the above proposed wells. The Nazarene Church, School District and City have the only nearby wells.

Either well grouping proposed by CSI may effect these wells. The proposed well in Section 21 may impact the wells in Sections 15 and 16; however, the 1/2 mile + distance should be adequate.

Is it normal to move a pod and po^v 2 $\frac{1}{2}$ miles? Is this an expansion or does CSI have another right in Section 21?

It should be noted that since these wells are in the TF GWMA, new applications are not being approved. At least 5 existing applications have not been approved in this general area.

MICROFILMED

T 10 S
R 17 E

5 Church of Nazarene (P-6/26/81)	X X X X X X (P-12/5/79)	
Original PDD X (2) Amended PDD (X) (4)		School Dist (P-10/3/83) 10
	16	School Dist. (P-10/17/83) City (P-10/24/83)
X 21		

MICROFILMED

Glenn - I missed the P of D
in Sec 21 the first time.

File 47-7606 makes reference
to three other ~~water~~ water rights
(see attached)

47-4203 and 47-2208 are in
Section 21 but neither are for
hot water.

47-7478 is hot water CSI
but in Sec 4.

MICROFILMED

47-4203-

TF Fish & Wildlife Conservation
Corp.

C/2 in 7. CFS

10S 17E 21 SENE

47-2208

Southern Idaho Fish & Game Assoc.

License 3.08 cfs

10S 17E 21 SENE

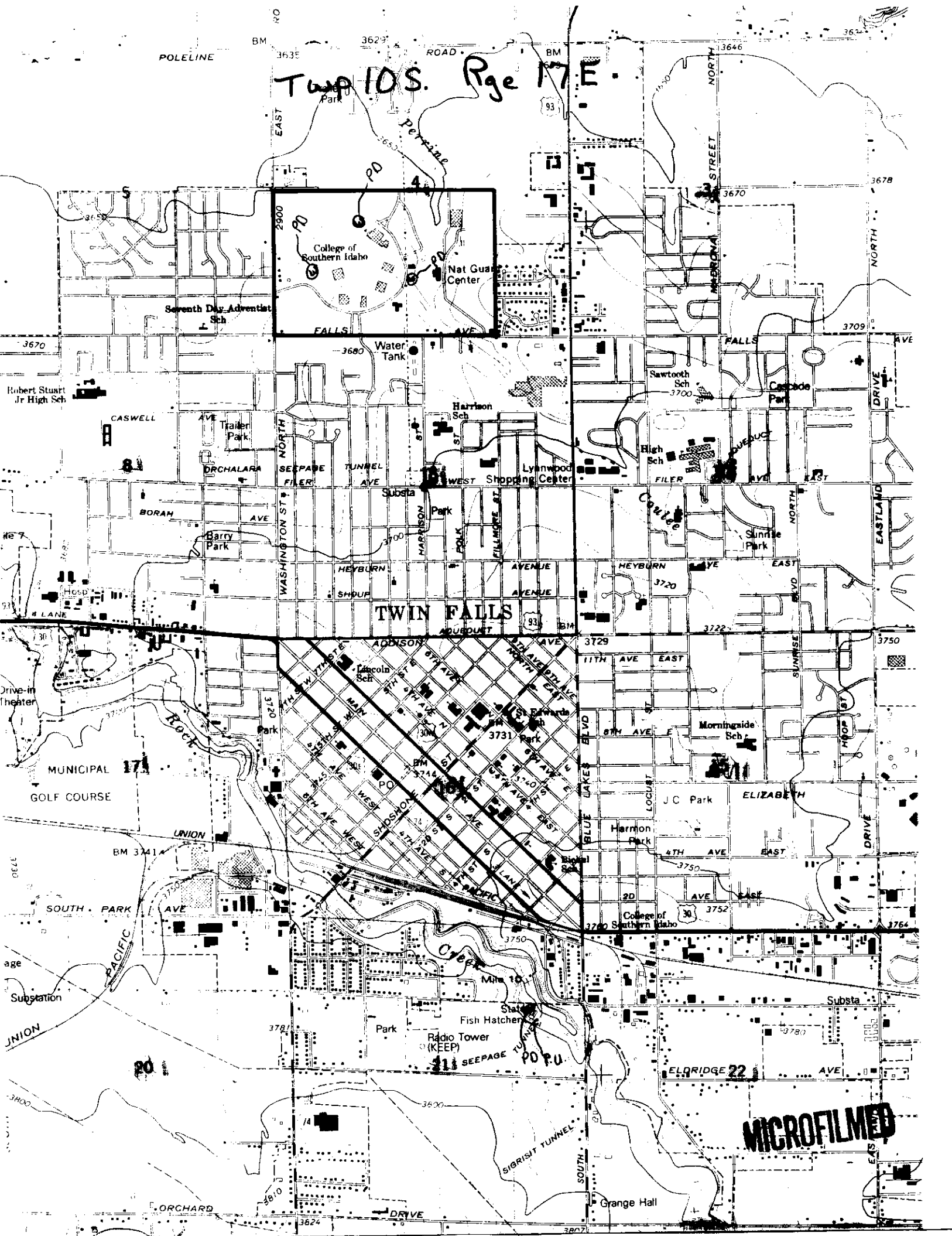
47-7478

C S I.

Permit 5. CFS

10S 17E Sec 4 NWSE

MICROFILMED



COLLEGE OF SOUTHERN IDAHO CAMPUS MAP

- A VOCATIONAL TECHNICAL CENTER
- B BARRACKS
- C SHERIDAN ACADEMIC BUILDING
- D DR. TAYLOR ADMINISTRATION BUILDING
- E VOCATIONAL TECHNICAL BUILDING "B"
- F FINE ARTS CENTER
- G-1 PHYSICAL PLANT DEPARTMENT
- G-2 CAMPUS EQUIPMENT SUPPORT CENTER
- G-3 MAINTENANCE SHOP
- G-4 PAINT SHOP
- G-5 GREENHOUSE
- G-6 CHILLER #1
- G-7 CHILLER #2
- G-8 SECURITY RESIDENCE
- G-9 TOWER
- G-10 ENTRY & UTILITIES OFFICES
- G-11 MAINTENANCE RESIDENCE
- G-12 GROUNDWATER EQUIPMENT STORAGE
- G-13 GROUNDWATER EQUIPMENT STORAGE
- G-14 GROUNDWATER EQUIPMENT STORAGE
- H VOCATIONAL TECHNICAL BUILDING
- I LIBRARY ANNEX
- J CENTER FOR NEW DIRECTIONS
- K HERBERT'S MUSEUM
- L1 EXPOSITION CENTER
- L2 FRONTIER FIELD FACILITIES BUILDING
- M1 ART COMPLEX
- M2 ART OFFICES
- M3 ART WORKSHOP
- N SOLAR LAB BUILDING
- O BOARD OFFICE ON AGING
- P ATHLETIC BUILDING
- Q VOCATIONAL TECHNICAL CENTER - ADDRESS KIMBERLY ROAD
- R1 FISH HATCHERY LAB - ADDRESS ROCK CREEK CANYON
- R2 FISH HATCHERY CLASSROOM
- R3 FISH HATCHERY STOREROOM
- R4 FISH HATCHERY RESIDENCE

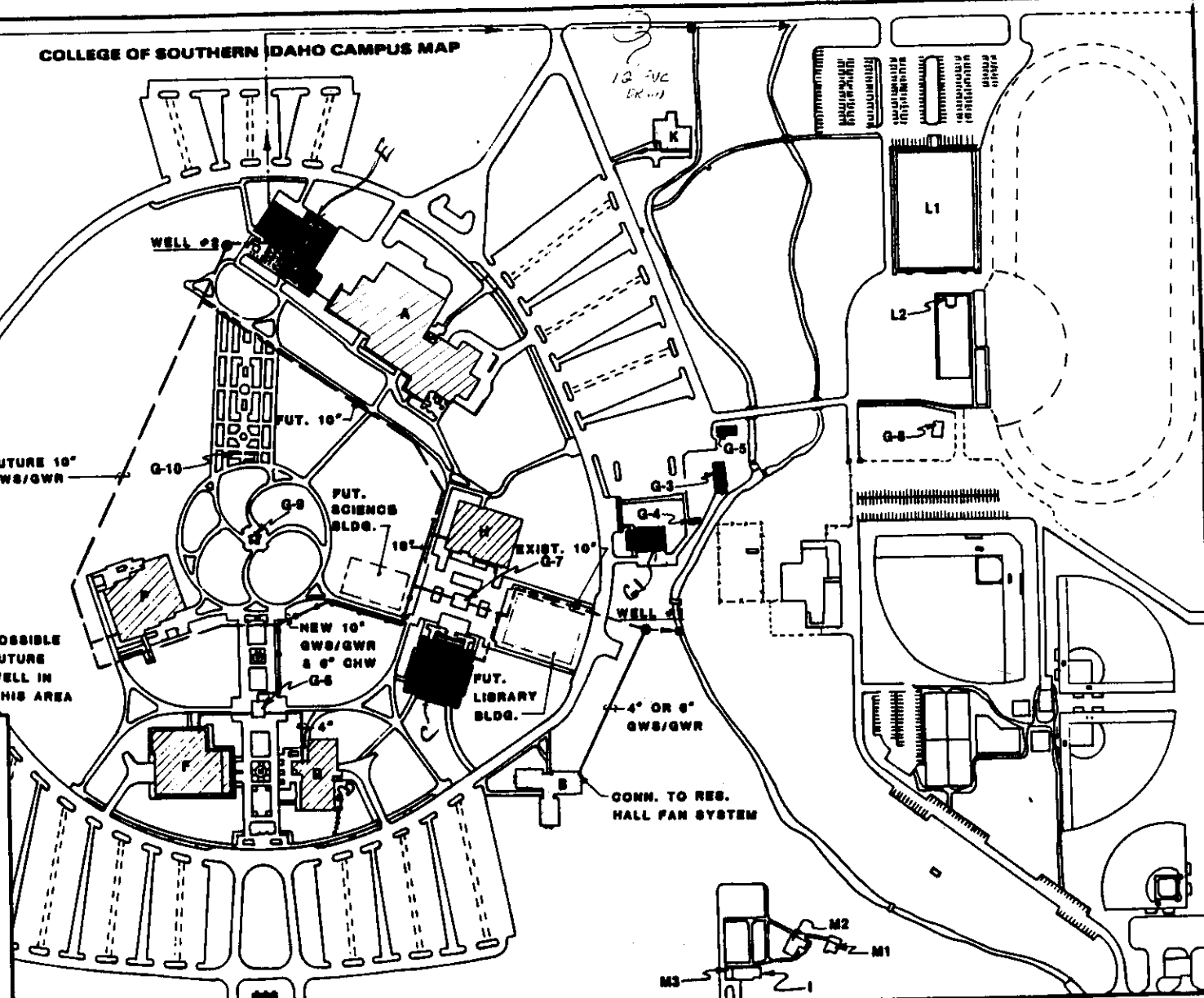
G-12
G-13
G-11
G-14

FUTURE 10" GWS/GWR

POSSIBLE FUTURE WELL IN THIS AREA

SYMBOL LEGEND

---	EXIST. GW LINE
---	NEW GW LINES
---	NEW GW LINES & CHW LINE
---	FUTURE GW LINES
---	DISCHARGE LINE TO CREEK
■	HEATED WITH GEOTHERMAL WATER
▨	TO BE HEATED WITH GEOTHERMAL WATER



State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: J. Stanton

Right Number 47-9606 Applicant COLLEGE OF SOUTHERN IDAHO

Purpose of Amendment: ☒ Change point of diversion. ☒ Add diversion point(s).

☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

☒ Description of amended point(s) of diversion.

~~☒ Amount, nature and period of use. If increased, delay date of priority.~~

☒ Description of amended places of use. ~~If expanded, delay date of priority.~~

☒ Ownership of point of diversion and place of use.

☒ Map.

☒ Signature (must be permit holder).

☒ Fee.

~~NA~~ Existing water rights from the same source, amended place of use.

☒ Right number(s) 47-4203, 47-2208 (fish prop. dec. 21), 47-7478

☒ Yes ☐ No Should amendment be advertised?

~~☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____~~

FINAL REGIONAL PROCESSING REVIEW:

☒ Affidavit of publication received.

☒ Amendment published correctly.

☒ Protests processed. -None

☒ Approve.

☐ Deny.

Conditions OIC, 04, 07, 09E, 26

By ADM

Date 10/2/84

STATE OFFICE PROCESSING:

☒ Amendment correct and complete. By Juni Date 10-10-84

☐ Approved copy sent to applicant and to Region. By _____ Date _____

MICROFILMED

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 47-7606

Twin Falls, Idaho

Notice is hereby given that College of Southern Idaho of/ is the holder
of approved permit No. 47-7606 authorizing the diversion of 15.00
cubic feet per second of water from groundwater in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4,
T10S, R17E, B.M.

County of Twin Falls, to be used for 15.0 cfs for space heating from Jan. 1 to
Dec.31; 15.0 cfs for Fish Propagation from Jan. 1 to Dec. 31
~~(XXXXXXXXXXXXXXXXXXXXXX)~~ within

S $\frac{1}{4}$, Sec. 4, T10S, R17E

The permit holder has applied to the Department of Water RESources for an Amendment
to the permit, to change the Point of diversion, *And* add a diversion point
place of use / as follows:

Point(s) of Diversion: Well #1 - SE $\frac{1}{4}$ SW $\frac{1}{4}$; Well #2 - NE $\frac{1}{4}$ SW $\frac{1}{4}$; Well #3 - SW $\frac{1}{4}$ SW $\frac{1}{4}$. Sec. 4,
T10S, R17E; Fish Propagation - SE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 21, T10S, R17E

Place of Use: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 4; SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, T10S, R17E

Any protest against approval of the amending of Permit No. 47-7606
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 August 6, 1984

A. KENNETH DUNN
Director

Published in the Times News on July 19 and July 26, 1984

on _____ AND _____

MICROFILMED

OK
7/19/84
ADL



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

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

July 10, 1984

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

Re: Notice of Amendment to a Water Permit No. 47-7606

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:

MICROFILMED

ADDENDUM AGREEMENT

This Addendum to Lease Agreement made and entered into this 21 day of June, 1984, by and between The Twin Falls Fish and Wildlife Conservation Corporation hereafter called "Lessor" and the College of Southern Idaho Junior College District hereafter called "Lessee".

W I T N E S S E T H:

IT IS UNDERSTOOD AND AGREED AS FOLLOWS:

1. That on the 27th day of February, 1979, these parties entered into a Lease Agreement a copy of which is attached hereto as Exhibit "A".

2. That the parties hereto hereby ratify and confirm Exhibit "A" in all respect except as hereafter amended:

a. paragraph 3 of Exhibit "A" provides a term of 20 years beginning January 1, 1977. That paragraph is hereby amended to read as follows:

3. That for and in consideration of the sum of \$1.00 per year as rent, Lessor hereby leases unto Lessee the above-described premises in perpetuity and forever, provided that should Lessee abandon the premises or for any reason permanently terminate its aqua culture and fish science program, then this agreement shall automatically terminate and Lessor will be entitled to immediate possession of the premises.

b. The following provision is hereby added to paragraph 6 of Exhibit "A".

"Also annually, in December of each year, Lessee will provide Lessor with a report of activity at the hatchery during the preceding year. That report should include:

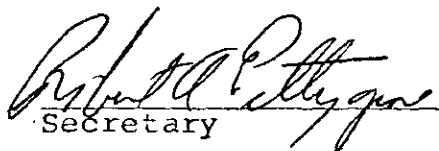
1. Numbers of students completing the program,
2. Capital expenditures,
3. Improvements and maintenance performed.
4. Volume of fish (number-pounds) disposition.

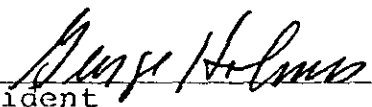
3. This Addendum Agreement shall be binding upon the parties hereto, their successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement the date and year first above written.

ATTEST:

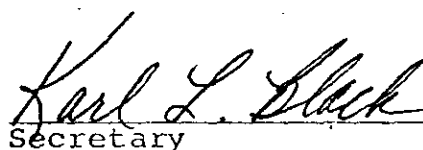
TWIN FALLS FISH & WILDLIFE
CONSERVATION CORPORATION

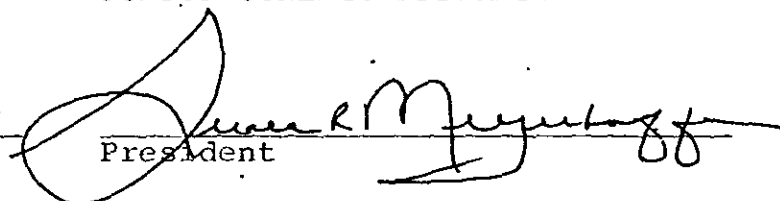

Secretary


President

ATTEST:

COLLEGE OF SOUTHERN IDAHO
JUNIOR COLLEGE DISTRICT

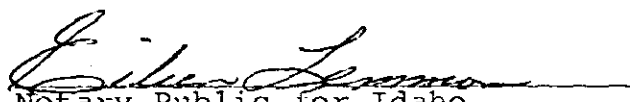

Secretary


President

STATE OF IDAHO)
)
County of Twin Falls) ss.

On this 21st day of June, 1984, before me, the undersigned, a Notary Public in and for said County and State, personally appeared George Holmes, President of Twin Falls Fish & Wildlife Conservation Corporation, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Twin Falls, Idaho

MICROFILMED

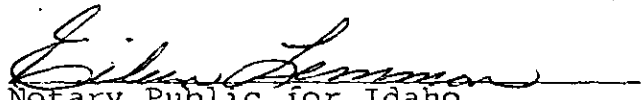
STATE OF IDAHO)

County of Twin Falls.)

ss.

On this 21st day of JUNE, 1984, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Gerald R. Meyerhoff, President of the College of Southern Idaho Junior College District, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.


Notary Public for Idaho
Residing at Twin Falls, Idaho

File
File/Hatchery
LEASE AGREEMENT

TP
Can you
file this?
HB

THIS LEASE AGREEMENT, Made and entered into this
27th day of February, 1979, by and between the
TWIN FALLS FISH AND WILDLIFE CONSERVATION CORPOR-
ATION, hereinafter called "LESSOR" and the COLLEGE OF
SOUTHERN IDAHO, JUNIOR COLLEGE DISTRICT, hereinafter
called "LESSEE",

W I T N E S S E T H:

IT IS AGREED BY AND BETWEEN THE PARTIES HERETO AS
FOLLOWS:

1. That Lessor is the owner of that certain
real property and the improvements thereon situate in
Twin Falls County, State of Idaho, more particularly
described as follows, to-wit:

Beginning at a point where the top of the
rim rock bounding Rock Creek Canyon on the
south and west intersects the south boundary
of the City of Twin Falls, which said boundary
is the south line of the northeast quarter of
the northeast quarter of section twenty-one (21)
Township Ten (10) south, Range seventeen (17)
E.B.M. said point being designated by a cross
in the rock, thence along said south line
South 86°30' East 376 feet to a stake in the
westerly bank of Rock Creek; thence South 17°10'
east 165 feet up said bank to a stake; thence
South 49°15' west 265 feet to a stake on the
rim rock; thence along rim rock in a north-
westerly direction 435 feet to the point of
beginning, the land described being wholly in
the southeast quarter of the northeast quarter
of section twenty-one (21) Township Ten (10)
south, Range seventeen (17) E.B.M. and con-
taining 2 acres. Together with easement for
right of way, as follows:

Beginning at a point on the northerly rim rock
of Rock Creek Canyon, which point lies North
81°30' west 446 feet from the southeast corner
of the northeast quarter of the northeast quarter
of section twenty-one (21) township ten (10)
south, Range seventeen (17) E.B.M.; thence
south 71°50' west 100 feet; thence north 80°5'
west 80 feet thence south 82°25' west 150 feet to
a point in the bottom on the southerly bank of Rock
Creek and on northeasterly boundary of property as
described in this instrument. Also a strip 20
ft in width beginning at aforesaid initial point
and connecting with Railroad Street in Buena Vista
addition, a distance of 150 feet more or less.

2. That said improvements constitute a fish hatchery

which Lessee is desirous of using in its fish cultural technician program.

3. That for and in consideration of the payment of the sum of \$1.00 per year as rent, Lessor hereby leases unto Lessee the above-described premises for a period of twenty (20) years beginning January 1, 1977.

4. Lessee agrees to care for and maintain the premises in as good condition as it presently exists, reasonable wear and tear and depreciation excepted.

5. Lessee agrees that any and all surplus fish produced by the hatchery over and above those needed by Lessee shall be made available to the Lessor for use as it may see fit.

6. It is further agreed that this lease agreement will be reviewed annually by the parties and may be amended from time to time as they may mutually agree.

7. Time is of the essence of this agreement, and it is expressly agreed between the parties hereto that if default be made in the payment of rents above-reserved or any part thereof, or in any of the covenants and agreements herein contained to be kept by the Lessee, it shall be lawful for the Lessor, its successors and assigns, at its election, to declare said term at an end and to re-enter and take possession of said leased premises or any part thereof, with or without process of law, and to remove said Lessee and any other person in possession thereof, using such force as may be necessary so to do, and to repossess the said leased premises without prejudice to any remedies which might otherwise be used for arrears of rent or breach of covenants and the Lessee agrees to pay and discharge all costs and attorney fees and expenses that shall arise from enforcing the covenants of this lease by the Lessor, including a reasonable attorney fee to be fixed by the court in case of any action. It is expressly provided, however,

that in the event of default said Lessor shall have none of the remedies above-mentioned until it shall have given said Lessee ninety (90) days' written notice of the default or defaults alleged and the Lessee shall have failed, refused or neglected within said ninety (90) day period to correct the same.

8. This Lease Agreement shall be binding upon the parties hereto, their successors, representatives, heirs and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement the day and year first above written.

ATTEST:

Karl L. Slack

ATTEST:

Thelma Thompson

TWIN FALLS FISH AND WILDLIFE
CONSERVATION CORPORATION

By Robert A. Pittenger, Sec.
RII B2201
4483334
COLLEGE OF SOUTHERN IDAHO,
JUNIOR COLLEGE DISTRICT

By [Signature]

STATE OF IDAHO)

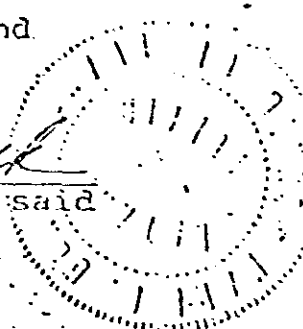
5

County of Twin Falls)

On this 27th day of February, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared Ken Eslinger and Bob Pettigrove, known to me to be the President and Secretary, of the TWIN FALLS FISH AND WILDLIFE CONSERVATION CORPORATION, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Karl L. Black
Notary Public in and for said
County and State



STATE OF IDAHO)

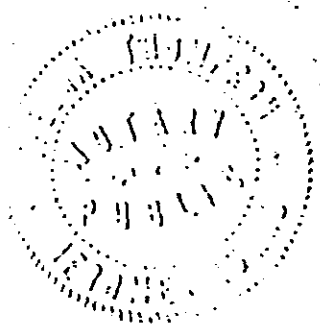
5

County of Twin Falls)

On this 27th day of February, 1979, before me, the undersigned, a Notary Public in and for said State, personally appeared LeRoy Craig and Board Chairman, known to me to be the Board Chairman and Secretary, of the COLLEGE OF SOUTHERN IDAHO, JUNIOR COLLEGE DISTRICT, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same on behalf of said Junior College District.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Phelma Thompson
Notary Public in and for said
County and State





State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

GOVERNOR

C. STEPHEN ALLRED

DIRECTOR

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

January 24, 1980

College of Southern Idaho
P.O. Box 1238
Twin Falls, Idaho 83301

Dear Sirs,

RE: Permit No. 47-7606

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.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosures

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

December 6, 1979

Mr. Bob Bell, Regional Fisheries Biologist
Idaho Fish & Game Department
Region #4
P. O. Box 428
Jerome, Idaho 83338

Re: Application for Permit No. 47-7606

Dear Mr. Bell:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

December 6, 1979

Mr. Alex Schaefer
Department of Health & Welfare
Division of Environment
P. O. Box 1626
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7606

Dear Mr. Schaefer:

Please find enclosed a copy of the above referenced application for permit for your information and files.

Sincerely,

Mary A. Hill
Secretary

for

Loren O. Holmes
Southern Region Supervisor

Encl:

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

December 6, 1979

Dr. James L. Taylor, President
College of Southern Idaho
P. O. Box 1238
Twin Falls, Idaho 83301

Re: Application for Permit No. 47-7606

Dear Dr. Taylor:

We have commenced processing of your Application for Permit No. 47-7606. Since you plan to use the water for fish propagation purposes, the following item must be submitted for inclusion with your application before it can be forwarded for final action by the director:

A plan of the proposed facility. This must be a scale drawing showing the proposed layout of the ponds on the property and giving length, width and depth dimensions of all ponds. Construction details need not be shown on the plan.

I estimate that advertising and protest period, as required by statute, will take until January 7, 1980. If necessary material is received before that date, there should be no additional delay in handling your application.

If you have any questions, please contact this office.

Very truly yours,

Loren O. Holmes
Southern Region Supervisor

LOH:marya

RECEIVED
DEC 10 1979

NOTICE OF APPLICATION FOR WATER RIGHT

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

42-2606-

COLLEGE OF SOUTHERN IDAHO

P. O. BOX 1238, TWIN FALLS, ID 83301

Source: GROUNDWATER

Date Filed: 12/05/1979

Amount: 15.00 CFS

Diversion Point: NWSW NWSE Sec 04 T 10S R 17E, TWIN FALLS Co.

Use: HEATING (15.00 CFS) from 01/01 to 12/31
FISH PROP. (15.00 CFS) from 01/01 to 12/31

Place of Use: NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 04 T 10S R 17E

Diversion Means: WELL, MOTOR AND PUMP

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before JANUARY 7, 1980.

C. STEPHEN ALLRED

Director

Published 12/20 & 12/27/79.

PROFILMED

18019 pgl water appl.
005.3 IN 08:21
legal notice to start
Thursday, dec. 20

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

47-7808

COLLEGE OF SOUTHERN
IDAHO
P.O. BOX 1238, TWIN FALLS,
ID 83301

Source: GROUNDWATER

Date Filed: 12/05/1979

Amount: 15.00 CFS

Diversion Point: NWSW

NWSE Sec 04 T 10S R

17E, TWIN FALLS Co.

Use: HEATING (15.00 CFS)

from 01/01 to 12/31

FISH PROP. (15.00 CFS)

from 01/01 to 12/31

Place of Use: NESW NWSW

SWSW SESW NESE

NWSE SWSE SESE Sec

04 T 10S R 17E

Diversion Means: WELL,

MOTOR AND PUMP

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

JANUARY 7, 1980.

C. STEPHEN ALLRED

Director

PUBLISH: Thursday, Dec.
20, and 27, 1979.

ab
meyer
12/29/79

T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
Southern Region

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

DECEMBER 7, 1979

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 JANUARY 7, 1980.

Yours truly,

Mary A. Hill
Secretary

Encl.

Microfilm