

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.

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, this 6 day of Nov, 19 90
Ray Dwyer
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by [initials] Fee = \$20.00

Received by [initials] Date 11-6-90 50/2802

Publication prepared by MB Date 11/14/90

Published in Times News

Publication dates 11/22 & 11/29/90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON

of the Department of Water Resources hereby

approved the above referenced application for amendment provided the conditions as
set forth in permit No. 47-07520 are met.

Witness my hand this

29th day of

January, 19 91

L. Glen Saxton
Chief, Water Alloc. Bureau

RECEIVED

FEB 07 1991

NOTICE OF
AMENDMENT TO A
WATER PERMIT
NO. 47-07520

Notice is hereby given that Ray &/or Glen Depew are the holders of Approved Permit No. 47-07520 authorizing the diversion of 2.0 cubic feet per second of water from groundwater in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, S30, T8S, R14E, County of Twin Falls, Idaho, to be used for Heating within SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S30, T8S, R14E.

The permit holder has applied to the Department of Water Resources for an

Amendment to the Permit, to change the Place of Use as follows:

Amount: 2.0 cfs

Period of Use: 1/1 to 12/31

Point of Diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, S30, T8S, R14E; Twin Falls County.

Place of Use: SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, S30, T8S, R14E.

Any protest against approval of the amending of Permit No. 47-07520 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before December 10, 1990.

R. Keith Higginson,
Director

PUBLISH: Thursday, November 22 and 29, 1990.

Announcements

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS

SS.

RECEIVED

No 21815

DEC - 4 1990

I, Linda Capps McBuire, being first duly sworn upon oath, depose and say that I am Quinn 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 November 22, 1990, and ending with the issue dated November 29, 1990.

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.

STATE OF IDAHO
COUNTY OF TWIN FALLS

FEB 07 1991

On this 29 day of November in the year of 1990, before me, a Notary Public, personally appeared Linda Capps McBuire, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Lewia R. Feltman
Notary Public for Idaho

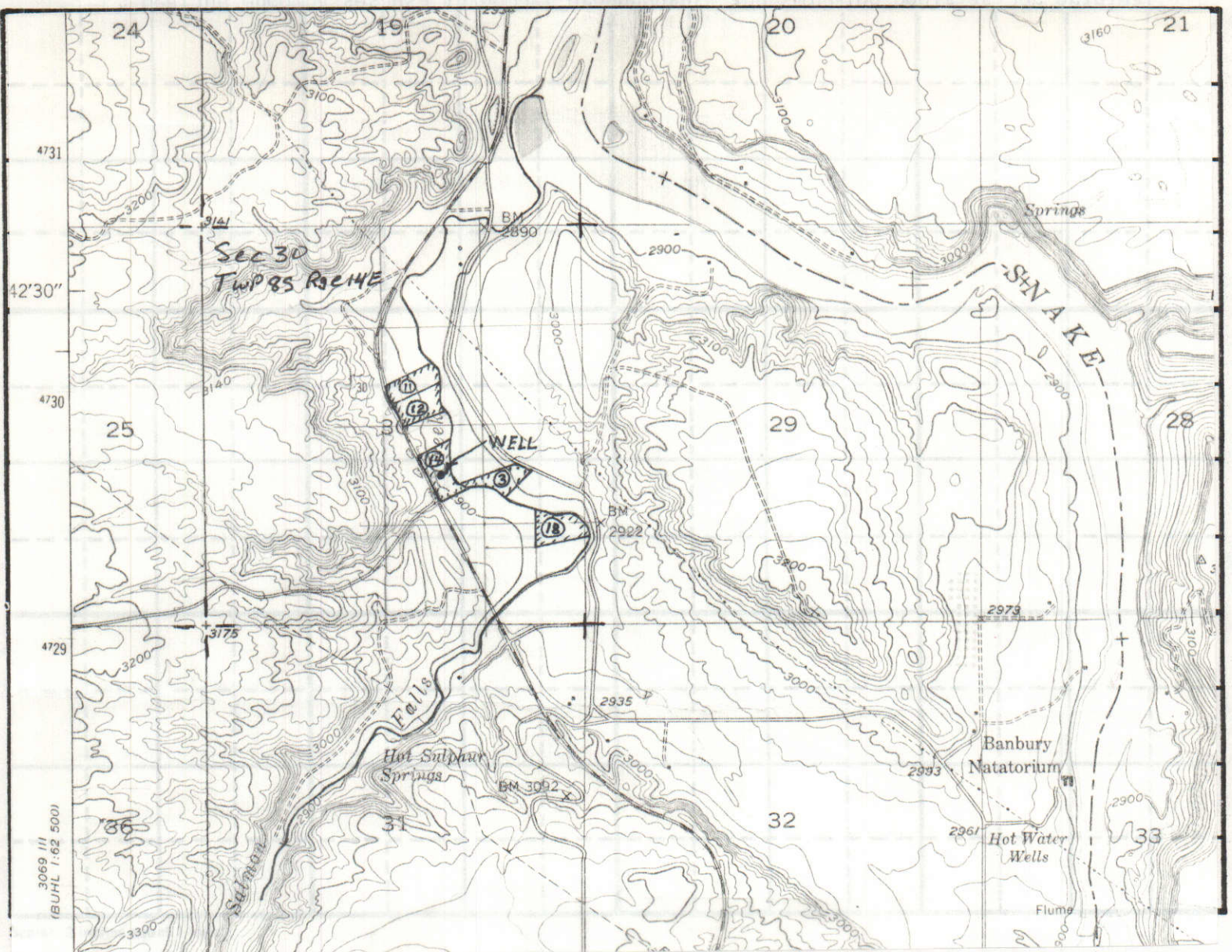
Residing at Twin Falls County

My commission expires: 5/19/94

OK MB
12-18-90

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

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



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, this 9th day of May, 19 86.

[Signature]
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by ADN Fee = \$20.00

Received by LA Date 5/9/86 # 40063*

Publication prepared by mmpa Date 5/13/86

Published in Times news

Publication dates 6/5 + 6/12/86

* App for Amendment filed 4/10/86 withdrawn & replaced with this app.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, Director of the Department of Water Resources hereby

APPROVE Application for Amendment of Permit No. 47-7520.

MICROFILMED

MAR 20 1987

Witness my hand this 10th day of March, 19 87.

[Signature]
Director

NOTICE OF AMENDMENT TO WATER PERMIT

NO. 47-7520

Notice is hereby given that Ray and/or Glen Depew of Wendell, Idaho are holders of approved permit No. 47-7520 authorizing the diversion of 2.0 cubic feet per second of water from 2 groundwater sources in the NWSE, Sec. 30, T8S, R14E, B.M. Twin Falls County, to be used for irrigation of 5 acres and heating of homes and greenhouses within NWSE, Sec. 30, T8S, R14E. The permit holders have applied to the Department of Water Resources for an Amendment to the permit, to add a diversion point and add domestic and recreation and delete irrigation as follows:

Point of Diversion: Two points of diversion within the NWSE, Sec. 30, T8S, R14E, B.M., Twin Falls County.

Use: 2.0 cfs for Recreation from Jan. 1 to Dec. 31

2.0 cfs for Heating from Jan. 1 to Dec. 31.

0.10 cfs for Domestic from Jan. 1 to Dec. 31

Place of Use: No change

Any protest against approval of the amending of permit No. 47-7520 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 April 8, 1985.

A. Kenneth Dunn

Director

PUBLISH: **Thursdays,**
March 21, and 28, 1985.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

Nº 14883

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

March 21, 1985, and ending with the issue dated March 28, 1985.

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.

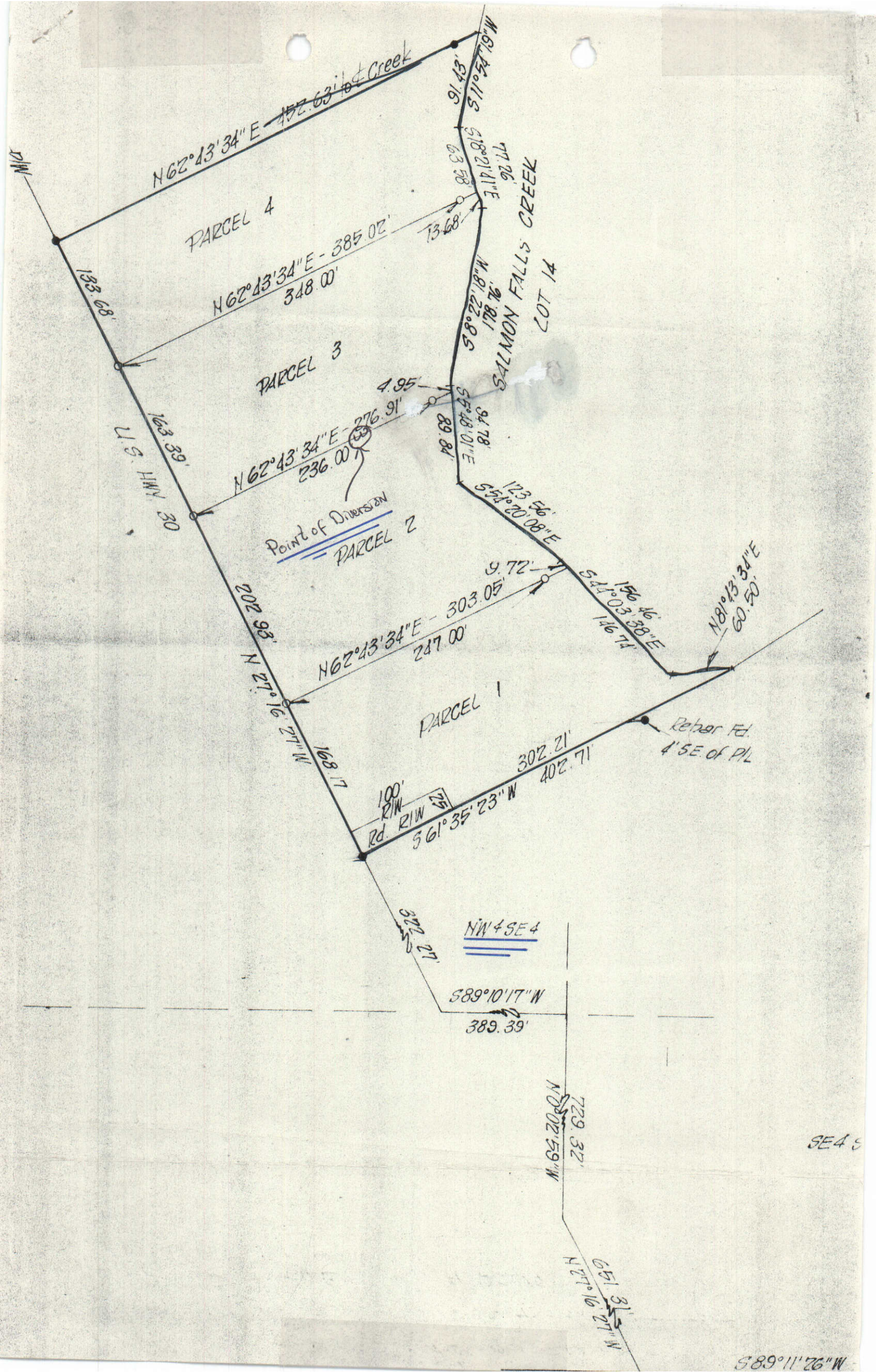
And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial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

Subscribed and sworn to before me on this 28 day of March, 1985

APR 17 1985
Department of Water Resources
Southern District Office

Jaldie J. Sawcett

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



**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given
that the following ap-
plication(s) have been
Place of Use: LOT 01 (NENE)
Sec 05 T 10S R 18E FOR 17
ACRES

Diversion Means:
COLLECTION BOXES
AND PIPES

47-7520

DEPEW, RAY & OF GLEN
ROUTE 2, WENDELL, ID
83355

Source: GROUNDWATER

Date Filed: 04/25/1979

Amount: 2.00 CFS

Diversion Point: NWSE Sec
30 T 08S R 14E, TWIN
FALLS Co.

Use: HEATING (2.00 CFS)

from 01/01 to 12/31

IRRIGATION (2.00 CFS)

from 03/15 to 11/15

Place of Use: NWSE Sec 30
T 08S R 14E FOR 5 ACRES

Diversion Means: WELL,
PIPELINES TO PLACE OF
USE

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 JUNE
4, 1979.

C. STEPHAN ALLRED
Director

PUBLISH: Thursday, May 17,
and 24, 1979.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

SS.

RECEIVED N^o 8285

MAY 25 1979

I, Nola L. Loughlin being first duly sworn upon
oath, depose and say that I am Pure 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 Thursdays, commencing with the issue dated
May 17, 1979, and ending with the issue dated
May 24, 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
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petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this

day of

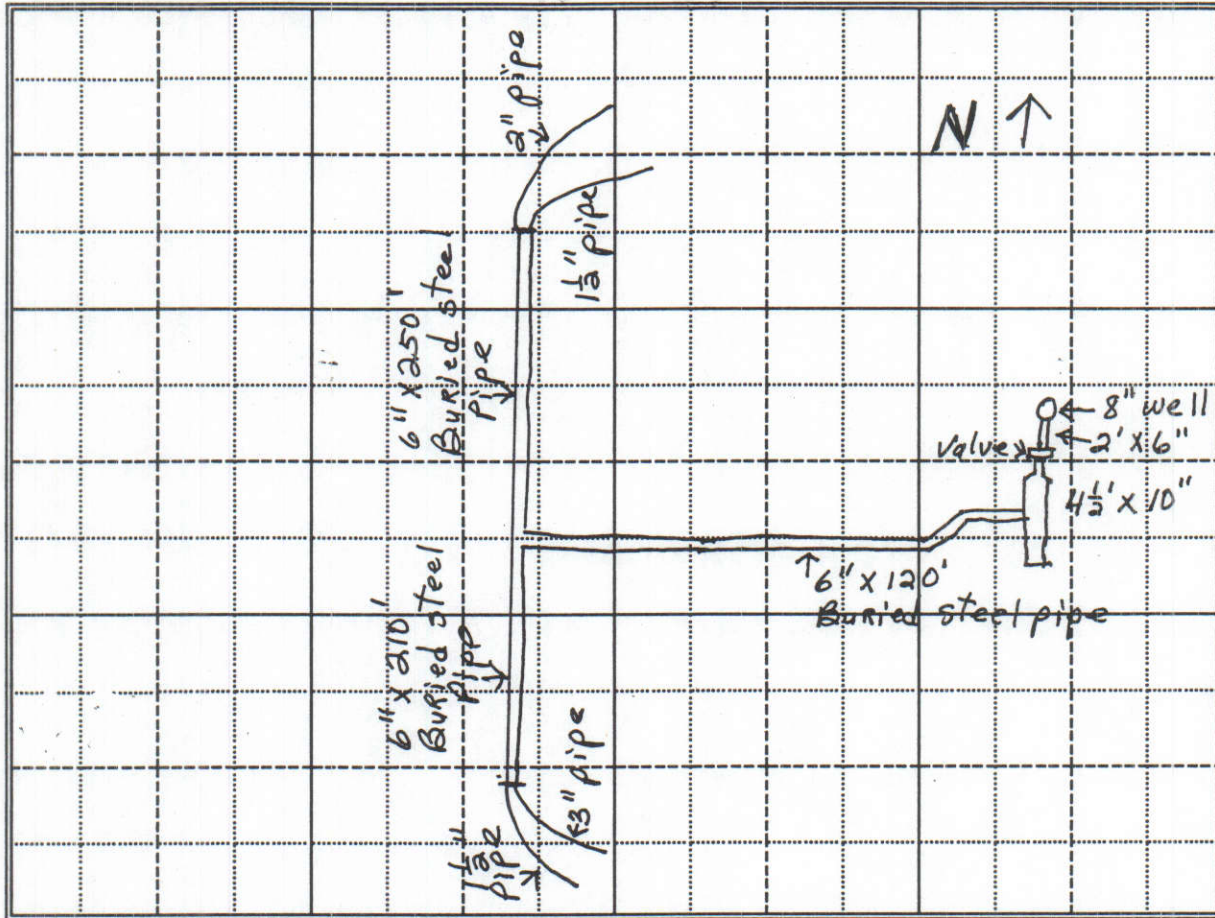
1979

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

MICROFILMED

ok
may
5/27/79

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



Scale: *NOT to scale*

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<i>NA - Artesian well</i>					

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: *No measurement was possible due to lack of an access port or other device to measure and the inability to have a full discharge from the well.*

PERMIT 47-7520 INIT _____

T. R. S. Q/Q

P/D 8S 14E 30 NWSE

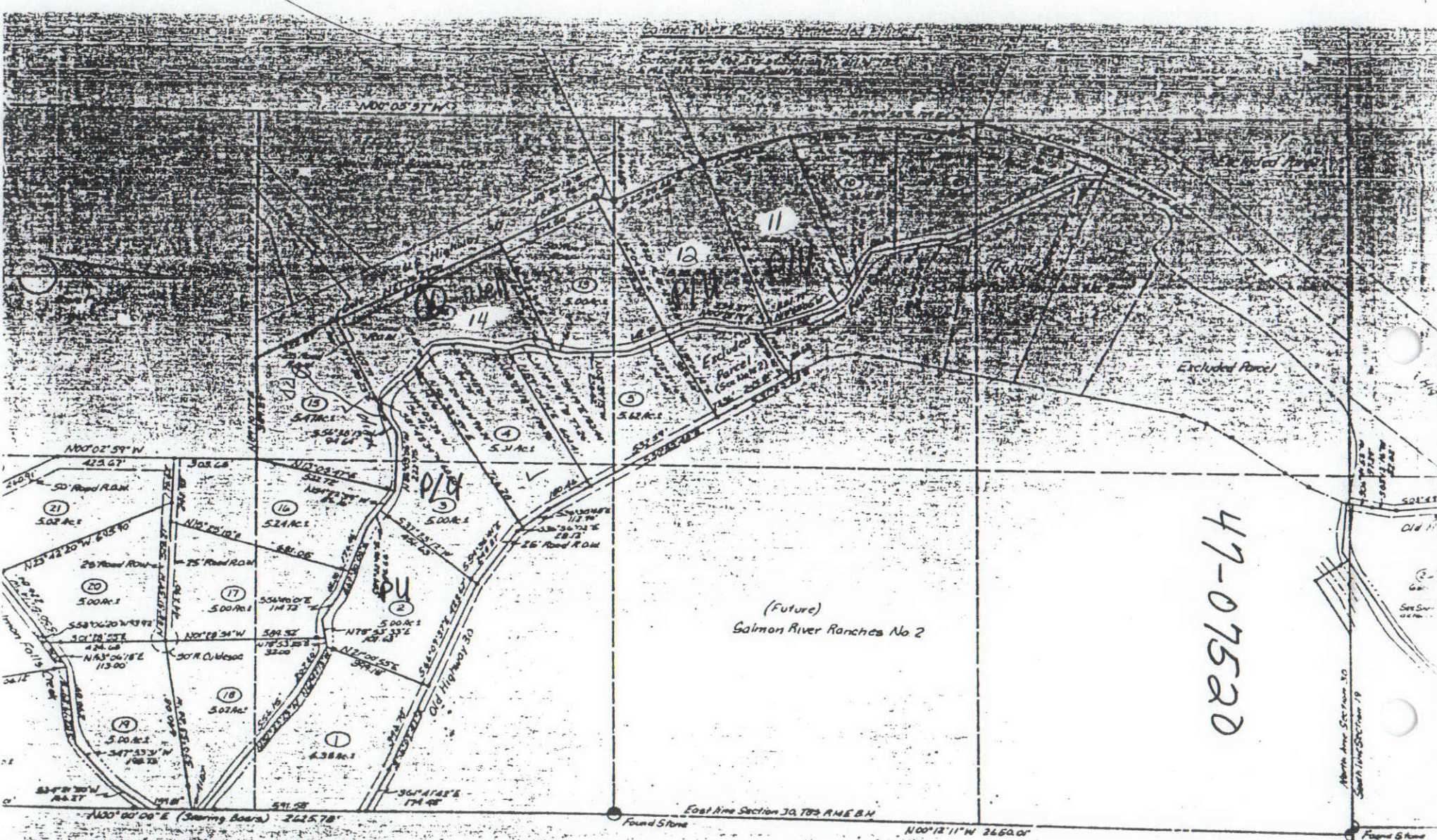
SCALE

PHOTO ID. BB20



S
S

T. 8 S.
T. 9 S.



Chord Length	Bearing	A	Arc Length	Tangent
128.36'	340.38°	30° 40' 00"	138.44'	70.85'
386.80'	179.18°	17° 51' 00"	386.40'	134.70'
342.24'	179.28°	17° 51' 00"	342.00'	123.80'
194.27'	179.28°	17° 51' 00"	194.00'	70.85'
174.87'	179.28°	17° 51' 00"	174.00'	63.40'
144.87'	179.28°	17° 51' 00"	144.00'	52.40'
114.87'	179.28°	17° 51' 00"	114.00'	41.40'
84.87'	179.28°	17° 51' 00"	84.00'	30.40'
54.87'	179.28°	17° 51' 00"	54.00'	19.40'
24.87'	179.28°	17° 51' 00"	24.00'	8.40'

Legend

- Section line
- 1/4 Sec. line
- Property line
- Highway right of way
- Water
- Other

Notes

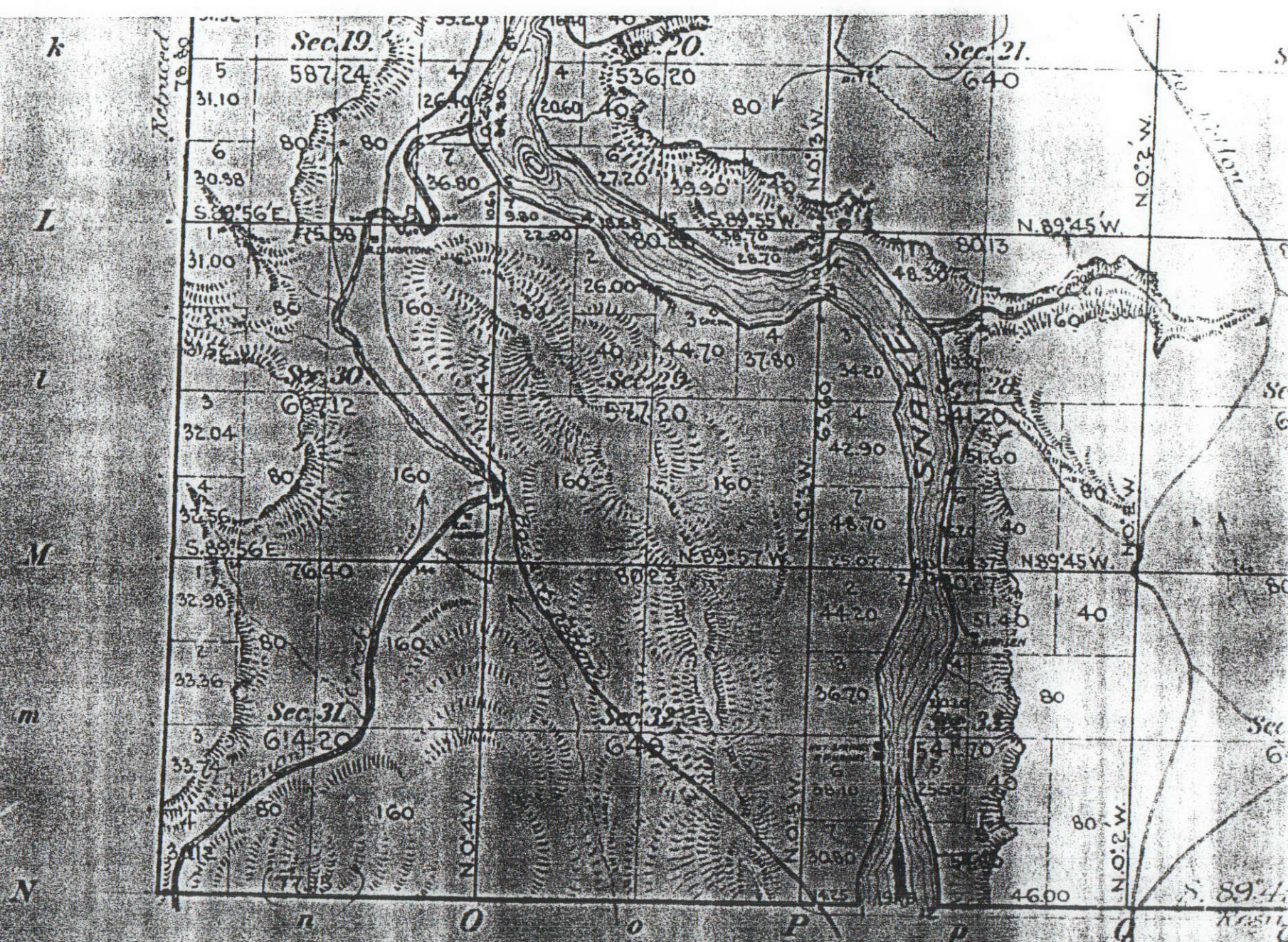
- All side lot lines to have a 7.5 ft. wide utility easement if bounded by another lot. All side lot lines owned by the Subdivision to have 15 ft. wide utility easements.
- Excluded parcel North of lot 5 is an existing borrow pit. The description is in error and will be rectified.

Surveyor's Certificate

J. Donald E. Miltord, a Registered Land Surveyor in the State of Idaho, do hereby certify that the survey and the accompanying plat of Salmon River Ranches No. 2 were made under my supervision, and that the accompanying plat accurately shows said Salmon River Ranches to the best of my knowledge and belief.



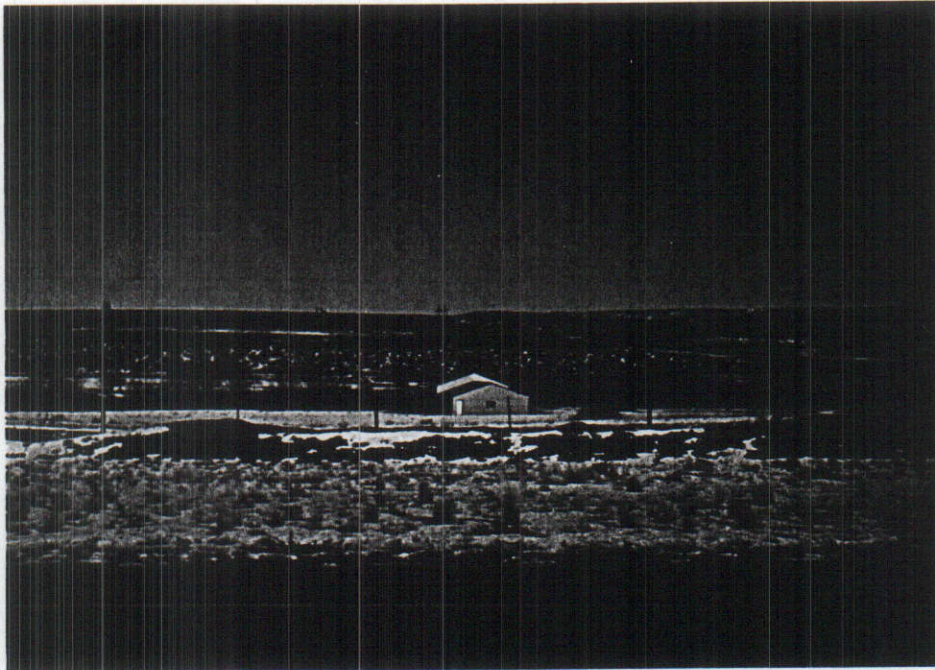
Count
Total
Count
This
No. 11
This
Count



Area of Water Surface 679.66 Acr. - of Public Land 22149.77 Acr. Total number of Acres 22829.43

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys M. Ch. Lk.	When Surveyed	Mean Declination
Township lines	C. Clifford Stevenson & David O. Stevenson	May 6, 1893	11 76 54	August 23-24, 1893	
Subdivisions			59 60 74	Aug 26-Sept 3, 1893	18° 10' E.

47-7520

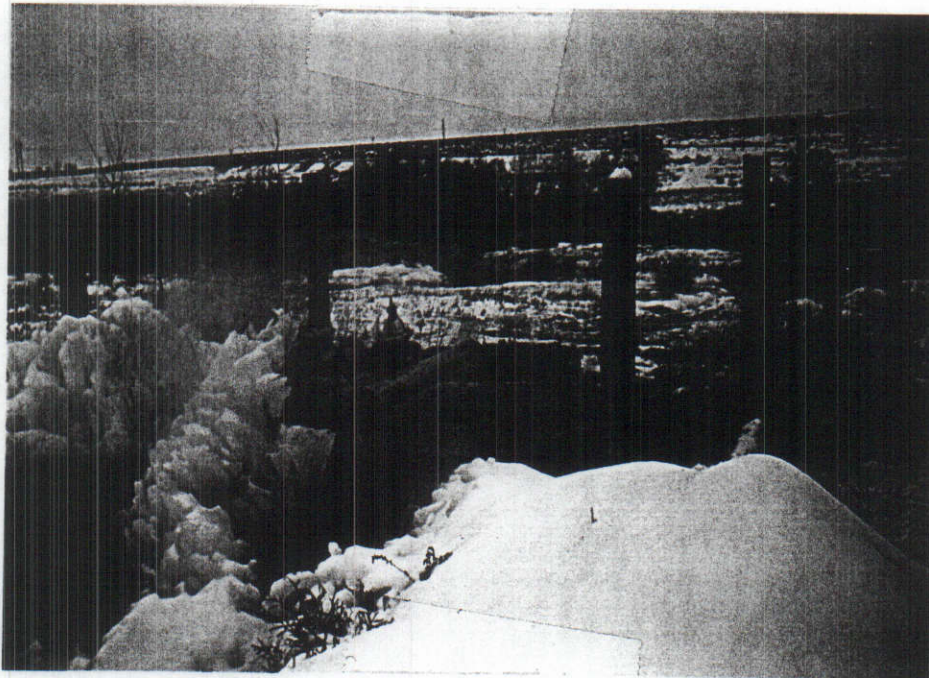


47-7520

12-2-92



P/D

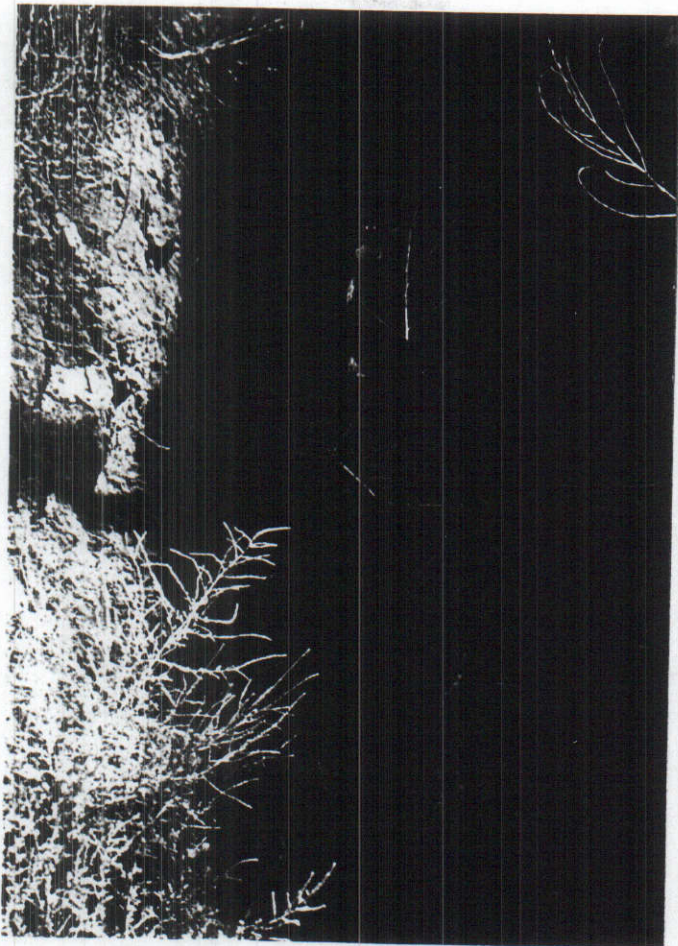


P/D

47-7520

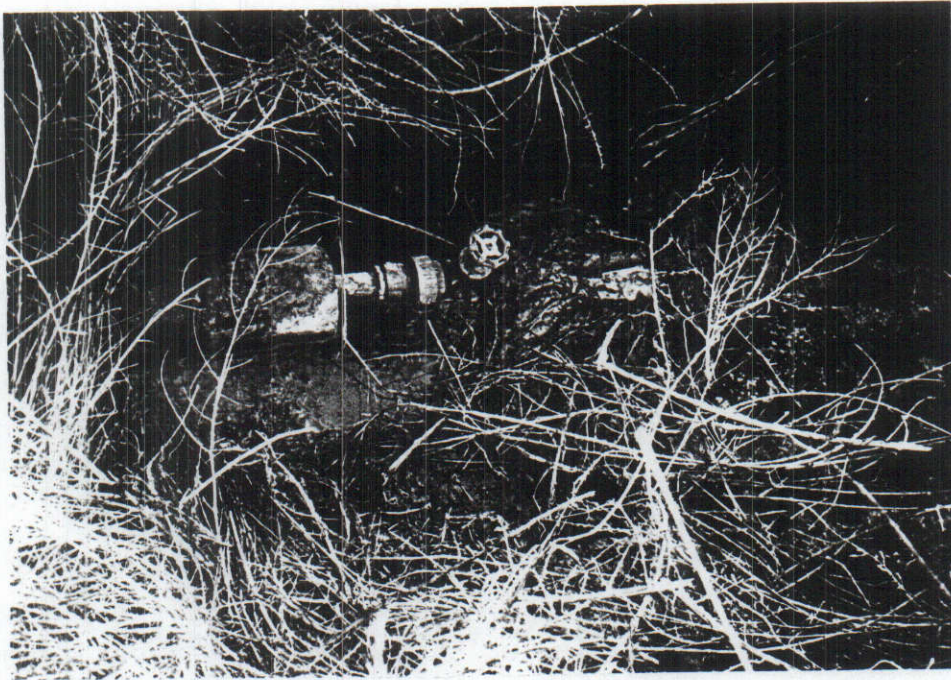


P1D

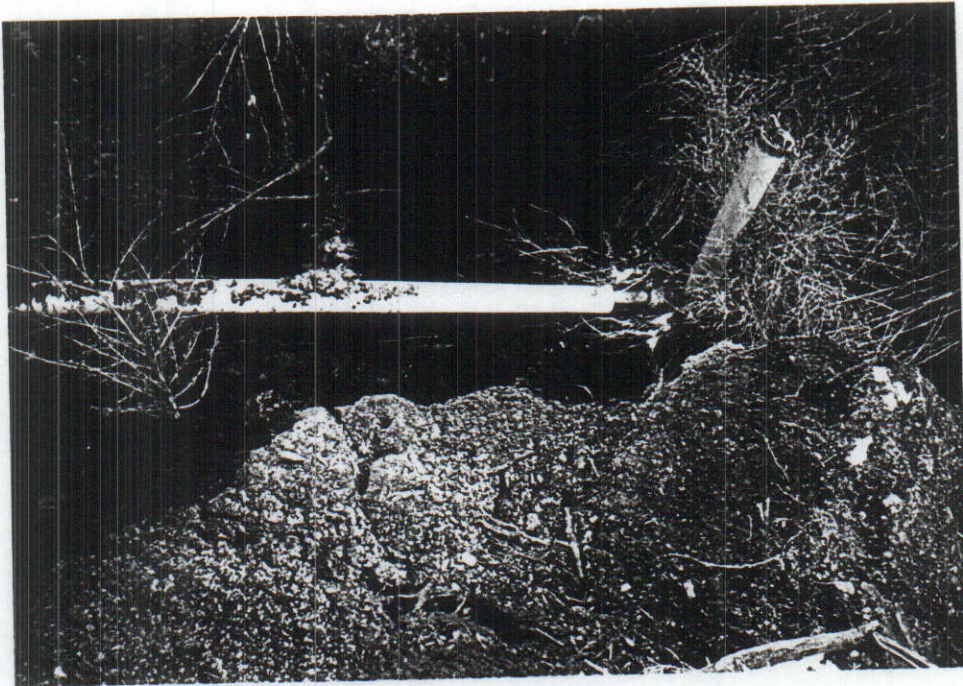


Valves and 2" x 1½"
pipes at the end of 6"
buried mainline going
North.

47-7520



Valve and 3"
pipe at South
end of 6" buried
mainline.



Valve and $1\frac{1}{2}$ "
pipe at South
end of 6" buried
mainline.

PEAK HEAT REQUIRED PER SQUARE FOOT OF FLOOR AREA (BTU/Hr)

A - Well insulated

B - "Normally" insulated, R-19 ceilings,
R-13 walls, double glazing

C - older homes, R-13 ceilings, single
glazing, no wall insulation, standard-
frame construction.

GLASS

FIBERGLASS

SINGLE POLY

DOUBLE POLY

INSIDE MINUS OUTSIDE TEMPERATURE (°F)

PEAK HEAT REQUIRED PER SQUARE FOOT OF FLOOR AREA (BTU/Hr)

A - Well insulated

B - "Normally" insulated, R-19 ceilings,
R-13 walls, double glazing

C - older homes, R-13 ceilings, single
glazing, no wall insulation, standard-
frame construction.

GLASS

FIBERGLASS

SINGLE POLY

DOUBLE POLY

INSIDE MINUS OUTSIDE TEMPERATURE (°F)

This map is given for informational purposes only - no assurances are made as to the actual footages and boundaries reflected herein.

First American Title



RECEIVED

MAR 11 1998

Department of Agriculture

ORIGINAL SENT BACK TO
SHEELY DANENHAUER
ON 08/28/98 (D.S.)

COPY

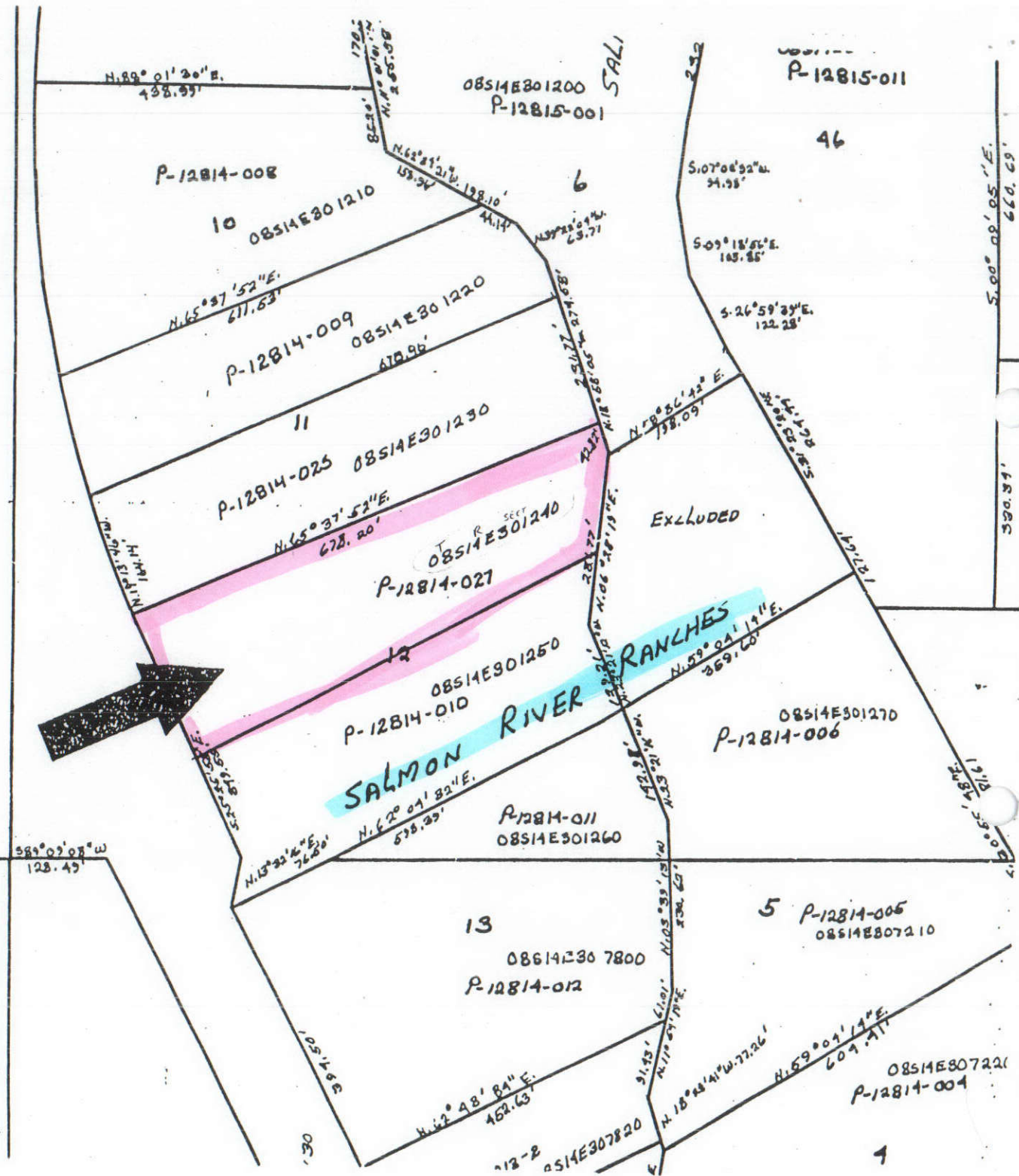


EXHIBIT A

RECEIVED
APR 15 1998
Department of Water Resource
Southern Region

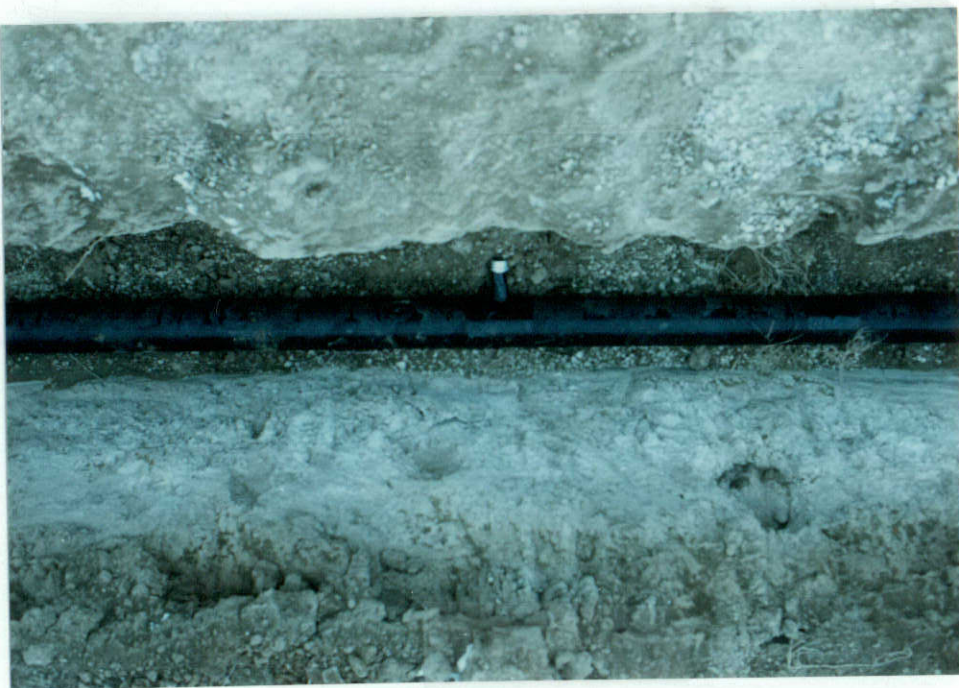
A parcel of land located in the E $\frac{1}{4}$ of Section 30, Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho and being part of Lot 12 of the Salmon River Ranches Amended as shown on the survey plat recorded September 19, 1977 as Instrument No. 722446, Records of Twin Falls County, Idaho described as follows:

COMMENCING at the southeast corner of said E $\frac{1}{4}$ SE $\frac{1}{4}$; Thence South 89°11'26" West 1038.76 feet to a projection of the easterly right of way boundary of U.S. Highway 30; Thence North 27°16'27" West 2850.73 feet along said easterly right of way boundary and its projection; Thence North 13°32'16" East 76.50 feet along said easterly right of way boundary; Thence North 25°25'58" West 146.55 feet along said easterly right of way boundary to THE TRUE POINT OF BEGINNING; Thence North 25°25'58" West 203.00 feet along said easterly right of way boundary; Thence North 65°37'52" East 678.21 feet to the center of Salmon Falls Creek; Thence South 18°58'05" East 42.82 feet along the center of Salmon Falls Creek; Thence South 6°28'19" West 143.55 feet along the center of Salmon Falls Creek; Thence South 62°04'32" West 597.97 feet to THE TRUE POINT OF BEGINNING

The above described parcel contains 2.71 acres more or less and includes use of a 50.00 foot wide access road right of way as described in Book 28, page 1750 of the Miscellaneous Records of Twin Falls County, Idaho, and also includes use of an easement for road and access over a 50.00 foot wide strip of land adjacent to said right of way boundary across the southerly portion of

COPY

ORIGINAL SENT BACK TO
SHELLEY DANNENHAVER
ON 08/28/98 P.S.





WELL DRILLER'S REPORT

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

BALLPOINT PEN

RECEIVED

SEP 4 1978

1. WELL OWNER Name <u>Roy Dean + Gladys</u> Address <u>Wenden, Id</u> Owner's Permit No. _____		7. WATER LEVEL Static water level _____ Flowing? ☒ Yes ☐ No Artesian closed-in pressure <u>96</u> p.s.i. Controlled by: ☒ Valve ☐ Cap ☐ Plug Temperature <u>61</u> °F. Quality _____																																																																																			
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		6. WELL TEST DATA ☐ Pump ☐ Solder ☐ Air ☐ Other _____ <table border="1"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Head Feet</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		Discharge G.P.M.	Pumping Level	Head Feet																																																																															
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3. PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☒ Other <u>MIXED MINES</u> (specify type) _____		9. LITHOLOGIC LOG <table border="1"> <thead> <tr> <th rowspan="2">Hole Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th rowspan="2">Water Yield</th> </tr> <tr> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr><td>8"</td><td>12</td><td>35</td><td>CLAY</td><td>X</td></tr> <tr><td>8"</td><td>35</td><td>38</td><td>GRAVEL + WATER</td><td>X</td></tr> <tr><td>8"</td><td>38</td><td>90</td><td>MED. HARD GREY LAM @</td><td>X</td></tr> <tr><td> </td><td> </td><td> </td><td>CLAY + STRENGTHENED</td><td>X</td></tr> <tr><td> </td><td> </td><td> </td><td>DECOMPOSED FORMATION</td><td>X</td></tr> <tr><td> </td><td>90</td><td>110</td><td>DECOMPOSED RED FORMATION</td><td>X</td></tr> <tr><td> </td><td>110</td><td>135</td><td>GREY LAM @ CLAY</td><td>X</td></tr> <tr><td> </td><td>135</td><td>140</td><td>RED CLAY</td><td>X</td></tr> <tr><td> </td><td>140</td><td>150</td><td>GREY CLAY</td><td>X</td></tr> <tr><td> </td><td>150</td><td>170</td><td>SOLID GREY LAM</td><td>X</td></tr> <tr><td> </td><td>170</td><td>175</td><td>GREY LAM + CLAY</td><td>X</td></tr> <tr><td> </td><td>175</td><td>220</td><td>SOLID LAM</td><td>X</td></tr> <tr><td> </td><td>220</td><td>335</td><td>CLAY - 2.75' more water</td><td>X</td></tr> <tr><td> </td><td>335</td><td>420</td><td>BLACK ROCK + CLAY MIX</td><td>X</td></tr> <tr><td> </td><td>420</td><td>450</td><td>HARD BLACK LAM</td><td>X</td></tr> </tbody> </table>		Hole Diam.	Depth		Material	Water Yield	From	To	8"	12	35	CLAY	X	8"	35	38	GRAVEL + WATER	X	8"	38	90	MED. HARD GREY LAM @	X				CLAY + STRENGTHENED	X				DECOMPOSED FORMATION	X		90	110	DECOMPOSED RED FORMATION	X		110	135	GREY LAM @ CLAY	X		135	140	RED CLAY	X		140	150	GREY CLAY	X		150	170	SOLID GREY LAM	X		170	175	GREY LAM + CLAY	X		175	220	SOLID LAM	X		220	335	CLAY - 2.75' more water	X		335	420	BLACK ROCK + CLAY MIX	X		420	450	HARD BLACK LAM	X
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4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____		10. Work started <u>4-19-79</u> finished <u>4-24-79</u>																																																																																			
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MICROFILMED

APR 04 1988

30

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

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



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, this 10 day of April, 19 86.

[Signature]
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00

Received by RA Date 4/10/86 #40063

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, _____, Director of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19 _____.

MICROFILMED

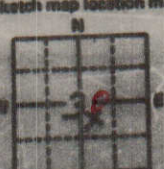
MAR 20 1987

Director

WELL DRILLER'S REPORT

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

SEP 4 1979

1. WELL OWNER Name <u>Ray Bennett & Son, Inc.</u> Address <u>WENDELL, IOWA</u> Owner's Permit No. _____		7. WATER LEVEL Static water level _____ feet below land surface Flowing? ☒ Yes ☐ No G.P.M. flow <u>1000 APPROX</u> Artesian closed-in pressure <u>96</u> p.s.i. Controlled by: ☒ Valve ☐ Cap ☐ Plug Temperature <u>61</u> °F. Quality _____																																																																																																					
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Air ☐ Other _____ <table border="1"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																																	
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6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name <u>Selman</u> <u>River Ranches</u> Lot No. <u>14</u> Block No. _____ County <u>Town of Falls</u> <u>N.W. 1/4 SE 1/4 30 T. 9 N. R. 14 E. 1/4</u>		ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT																																																																																																					

DL corrected

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

APPROVED

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

Comes now Ray & Glen Deper
of (address) Rt 2 Box 15A Wendell, ID 83355, 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. 47-7520, and requests that the permit and permit map be changed as follows:

1. Point of diversion: No change NW 1/4 SE 1/4, Section 30, Township 8S, Range 14E, B.M.,
County of Twin Falls. Other points of diversion: _____

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

Amount 2.00 for Heating* purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum)

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

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

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

* Heating includes use in homes, greenhouses + swimming pools

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	14E	30			X										X	X		~~SE~~	
			Further description:																
				lots				# of											
				2				homes											
				3				2											
				11				1											
				12				1											
				14				4											

18

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Applicant owner (# shares)
Lot 2 - Charles Hill (2 shares)
b. Who owns the land to be irrigated or the place of use? 3 - owners of well shares
11 - (see desc. above)
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: 12 -
14 -
WFM -

RECEIVED

FEB 27 1981

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.

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, this 6 day of Nov, 1990
Ray Dwyer
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by [initials] Fee = \$20.00 Received by [initials] Date 11-6-90 5012802
Publication prepared by MB Date 11/14/90 Published in Times News
Publication dates 11/22 & 11/29/90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON of the Department of Water Resources hereby
approved the above referenced application for amendment provided the conditions as
set forth in permit No. 47-07520 are met.

Witness my hand this

29th day of

January, 1991

FILED

FEB 07 1991

L. Glen Saxton
Chief, Water Alloc. Bureau

CLASSIFIED ADVERTISING INVOICE

TWIN FALLS TIMES NEWS
132 3RD ST W.
P. O. BOX 548
TWIN FALLS ID 83303

Forwarding & address correction requested

INVOICE NO.		CLASS	BILLING DATE	
21215		343	11/29/90	
INDEXING TERM				
647-07523				
START DATE		TELEPHONE NO.		
11/22/91		734-3373		
LINES/WORDS	TIMES	RATE	NET AMOUNT	GROSS AMOUNT
47	2		33.04	33.04
AFFIDAVI			3.00	3.00
PAY THIS AMOUNT			36.84	36.84

GROSS AMT DUE AFTER 12/14

RECEIVED

DEC - 4 1990

Department of Water Resources
Southern Region Office

21215

3594

THIS SPACE FOR ADDRESS ONLY

IDAHO WATER RESOURCES

228 SHOSHONE ST EAST
TWIN FALLS ID

83301

MICROFILMED

FEB 17 1991

03/86

RECEIVED

MAY 16 1989

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only

Fee Received 125.00Date 5/16/89Receipt # 5007155Receipt by SCReviewed by TVSent to region 5/18/89SO. 6.54

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

Permit No. 47-7520Name(s) of Permit Holder: Ray Hor Glen DepewPost Office Address: 2329 S 2200 E Wendell, ID 83355Telephone No. 536-2741Source of Water: Groundwater ✓

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark Heating ✓Connections for 11 Homesites ✓Total rate and/or volume for which proof is submitted 2 cfs _____ acre-feetShow the date water was first diverted and beneficially used under this permit: 1979Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ NoFee enclosed \$ 125.00
(See License Examination Fee Schedule)Flow Measurement Port: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

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

Permit Holder

(Name)

(Telephone Number)

RECEIVED

JUL 17 1989

(Address)

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

5/16/89

Date

Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received by 14
Date 1-11-88
Receipt # 48268

REQUEST FOR EXTENSION OF TIME

RECEIVED

DEC 31 1987

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 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. 47-7520

Name(s) of Permit Holder: Ray Depew and Glen Depew

Post Office Address: Route #2, Box 115A

Wendell, Idaho 83355

Telephone No. (208) 536-2741

Date Proof is Due: January 1, 1988

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".)

SEE ATTACHED EXHIBIT "A", No. 1

Costing \$ 4,000.00

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

SEE ATTACHED EXHIBIT "A", No. 2, No. 3 and EXHIBIT "B"

Permit holder(s) request an extension to June 1, 1989.
(1 yr. minimum)

Ray Depew
(Signature)*

FEE: \$15.00

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 1989.

APR 04 1988

Signed this 23rd day of February, 1988

A. Glen Saylor
Chief, Operations Bureau

RECEIVED

JAN 06 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7520 IN)
THE NAME OF RAY AND/OR GLEN DEPEW)
_____)

ORDER

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before January 1, 1988; and,

WHEREAS, proper notice was not given to the permit holders sixty days prior to the date that proof of beneficial use of water was due as required by section 42-204, Idaho Code;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use be extended to March 1, 1988.

Dated this 30th day of December, 1987.



L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

APR 04 1988

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7520)

IN THE NAME OF RAY AND/OR GLEN DEPEW)

) ORDER ADOPTING
) AMENDED PROPOSED MEMORANDUM
) DECISION AND ORDER

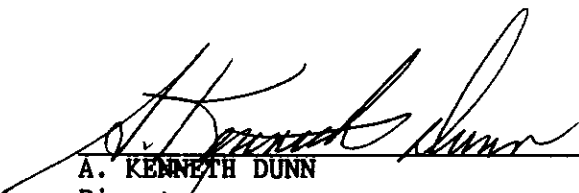
WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on February 11, 1987, an Amended Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Amended Proposed Memorandum Decision and Order; and,

WHEREAS, no exception to that Amended Proposed Memorandum Decision and Order has been received;

IT IS, THEREFORE, HEREBY ORDERED that said Amended Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order.

Dated this 10th day of March, 1987.


A. KENNETH DUNN
Director

MICROFILMED

MAR 20 1987

IN THE MATTER OF PERMIT NO. 47-7520
IN THE NAME OF RAY AND GLEN DEPEW

MAR 20 1987

6. A well 450 feet deep was drilled on April 24, 1979.
7. The permit holders plan to install the main water line next spring to the five parcels of ground, lots 3, 11, 12, 14 and 18 of the Salmon River Ranches Subdivision.
8. The supply lines to the twelve (12) homesites plan to be installed within one year.
9. The permit holders retained a law firm which has prepared the documents to form a water corporation and the contracts between the water corporation and the home owners.
10. The permit holders were prevented from proceeding with their project by the department's December 3, 1985 order which mandated that no further work be done due to a continuing decline in the pressure of the geothermal aquifer.

CONCLUSIONS OF LAW

1. The permit holders have been prevented from proceeding with this project since November 19, 1982, the date that Idaho Power Co. named them as a defendant in the case of Idaho Power Co. vs. Idaho Department of Water Resources, et. al.
2. The permit holders were granted an extension of time on May 30, 1984 by the department because they had proceeded with diligence in the drilling of the well.
3. Since the permit holders were found to be proceeding with diligence and were granted an extension of time after November 19, 1982, the date of the law suit that prevented them from pursuing their project, they could not have completed the project.
4. The permit holders have now proposed an amendment to the permit which should cause Idaho Power Co. to release them from the suit.

MICROFILMED

MAR 20 1987

5. The proposed amendment should be approved to delete irrigation as a purpose for the water and to describe the place of use as lots 3, 11, 12, 14 and 18 of the Salmon River Ranches subdivision.

6. The permit holders should be allowed a sufficient period of time to complete their project and submit proof of beneficial use.

7. The project shall be considered complete when the water delivery system is constructed and stubbed into every lot.

ORDER

The permit holders are, therefore, allowed until January 1, 1988 to complete the proposed project and submit proof of beneficial use.

It is further ordered, that the permit be amended as requested in the Application for Amendment of a Permit dated May 9, 1986.

Dated this 11th day of February, 1987.


BOBBY D. FLEENOR
Hearing Officer

MICROFILMED
MAR 20 1987

RECEIVED

No 21815

DEC - 4 1990

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF TWIN FALLS } SS.

I, Linda Capps McBaine, being first duly sworn upon oath, depose and say that I am Business 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 November 22, 1990, and ending with the issue dated November 29, 1990.

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 11-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by day or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

FEB 07 1991

On this 29 day of November in the year of 1990, before me, a Notary Public, personally appeared Linda Capps McBaine, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Laura R. Feltman
Notary Public for Idaho

Residing at

My commission expires:

Twin Falls County
5/1/91

OK
mb
12-18-90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES **APPROVED**
APPLICATION FOR AMENDMENT OF A PERMIT

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

Comes now Ray &/or Glen Depew
of (address) Rt 2 Box 115A Wendell, Idaho 83355, 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. 47-7520, and requests that the permit and permit map be changed as follows:

NO CHANGE

1. Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, Township 8S, Range 14E, B.M.,
County of Twin Falls. Other points of diversion: _____

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

Amount 2.0 for Heating * purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum)

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

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

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

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8S	14E	30			X										X	X		X	
Further description: The following lots in Salmon River Ranches (Amended Filing #1)																			
			LOTS				NO. HOMES												
			3				2												
			11				2												
			12				2												
			14				4												
			18				2												

Total number of acres to be irrigated = _____

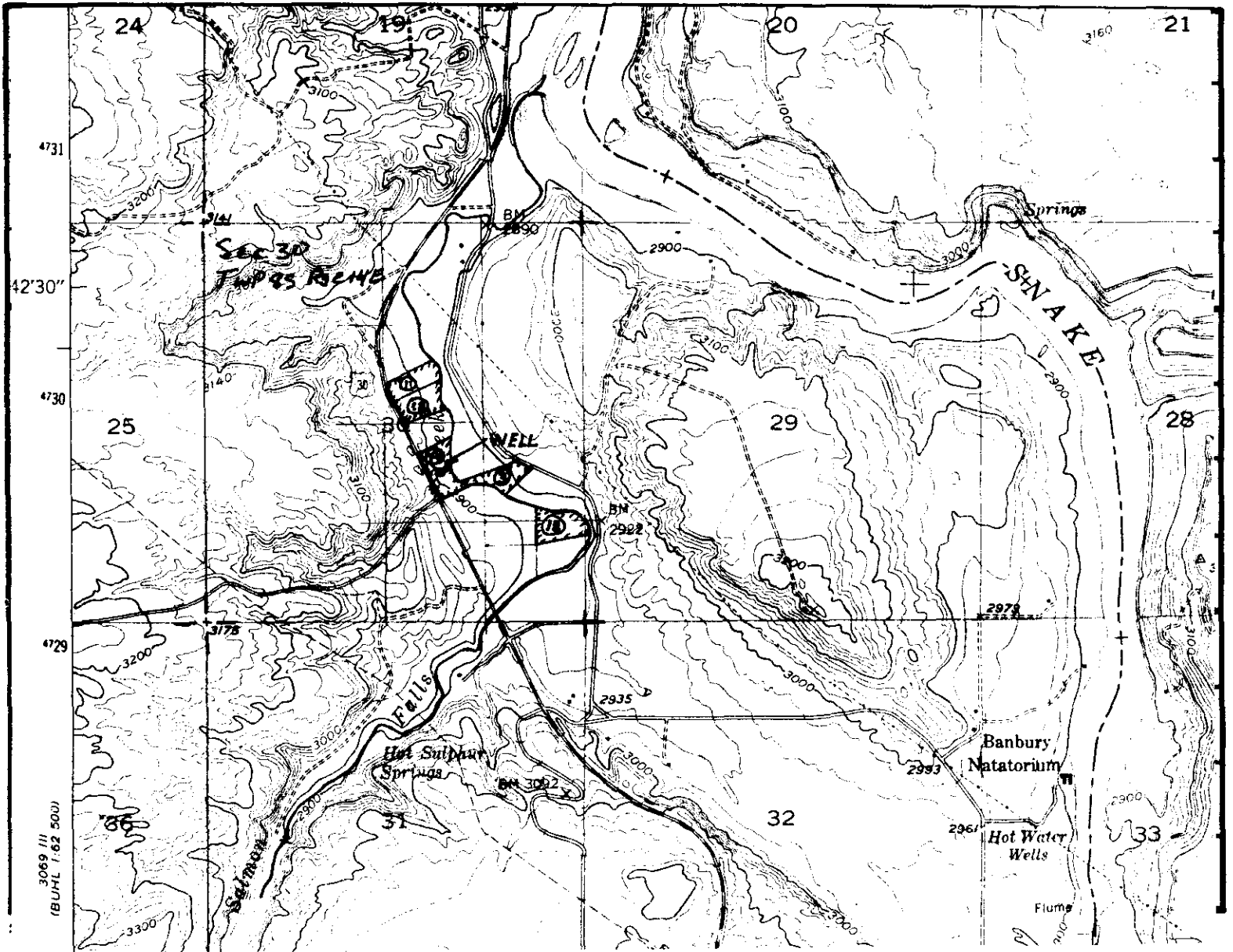
4. a. Who owns the property at the point of diversion? Applicant
LE3 - Cliff Jensen
b. Who owns the land to be irrigated or the place of use? 11 Doyle Pugmire
12 Carlos Hattck, Mike McIntrye
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
14 Applicant
applicant to make this filing: 18 Eugene Jensen

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* Heating encompasses use in homes, greenhouses, and swimming pools as per original permit. See also, attached memorandum of Gary D. Slette

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

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



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, this 9th day of May, 19 86.

Roy D. [Signature]
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by AD Fee = \$20.00

Received by LA Date 5/9/86 # 40063*

Publication prepared by map Date 5/13/86

Published in Times news

Publication dates 6/5 + 6/12/86

* App For Amendment filed 4/10/86 withdrawn & replaced with this app.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, Director of the Department of Water Resources hereby

APPROVE Application for Amendment of Permit No. 47-7520.

MICROFILMED

MAR 20 1987

Witness my hand this 10th day of March

, 19 87

[Signature]
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7520
IN THE NAME OF RAY AND GLEN DEPEW

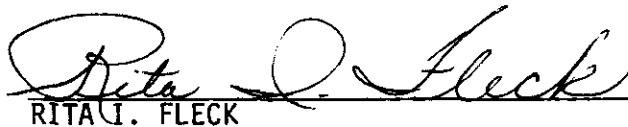
CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 11th day of March, 1987, a true and correct copy of the foregoing ORDER ADOPTING AMENDED PROPOSED MEMORANDUM DECISION AND ORDER, was mailed, postage prepaid to:

Ray and Glen Depew
Rt. 2 Box 115A
Wendell, ID 83355

Gary Slette
P. O. Box 1906
Twin Falls, ID 83301

Terry T. Uhling
P. O. Box 1906
Twin Falls, ID 83301



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

MICROFILMED

MAR 20 1987

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

IN THE MATTER OF PERMIT NO. 47-7520)
IN THE NAME OF RAY AND GLEN DEPEW)

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, §67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code §§42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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MAR 20 1987

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, §42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.
CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 11th day of February, 1987.

MICROFILMED

MAR 20 1987


A. KENNETH DUNN
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

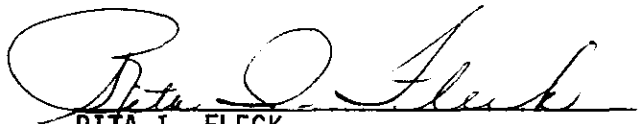
IN THE MATTER OF PERMIT NO. 47-7520
IN THE NAME OF RAY AND GLEN DEPEW

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 11th day of February, 1987, true and correct copies of the foregoing ORDER ISSUING PROPOSED MEMORANDUM DECISION and AMENDED PROPOSED MEMORANDUM DECISION AND ORDER, were mailed postage prepaid to:

Ray and Glen Depew
Rt. 2 Box 115A
Wendell, ID 83355

Gary Slette and Terry Uhling
NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
P. O. Box 1906
Twin Falls, ID 83303-1906


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

MICROFILMED

MAR 20 1987

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

IN THE MATTER OF PERMIT NO.)
47-7520 IN THE NAME OF)
RAY AND GLEN DEPEW)

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, §67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code §§42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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MAR 20 1981

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, §42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.
CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 7th day of January, 1986.

MICROFILMED

MAR 20 1987


A. KENNETH DUNN
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7520)

IN THE NAME OF RAY AND GLEN DEPEW)

PROPOSED MEMORANDUM

DECISION AND ORDER

This matter is before the Director of the Department of Water Resources following a hearing to determine whether the permit holders have proceeded with diligence on the project proposed by Permit No. 47-7520 under the provisions of Sec. 42-204, Idaho Code.

Based upon the information contained in the permit files and the information obtained at the hearing held on July 17, 1986 in Twin Falls, Idaho, the following Findings of Fact, Conclusions of Law and Order are proposed.

FINDINGS OF FACT

1. Permit No. 47-7520 was issued on June 25, 1979 with the condition that proof of beneficial use be submitted on or before June 1, 1984.
2. The time to submit proof of beneficial use was extended on May 30, 1984 to June 1, 1989.
3. This permit is for a well located within the Snake River Drainage Basin above Swan Falls Dam and the permit holders were named as defendants in the case of Idaho Power Co. vs. Idaho Department of Water Resources, et. al. which was filed with the District Court on November 19, 1982.
4. The permit holders are still named as defendants in that case because the permit includes the irrigation of five acres as one of the purposes.
5. The permit holders have filed an application for an amendment of the permit to delete irrigation as a purpose of use for the water.

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MAR 20 1987

6. A well 450 feet deep was drilled on April 24, 1979.

7. The permit holders plan to install the main water line next spring to the five parcels of ground, lots 3, 11, 12, 14 and 18 of the Salmon River Ranches Subdivision.

8. The supply lines to the twelve (12) homesites plan to be installed within one year.

9. The permit holders retained a law firm which has prepared the documents to form a water corporation and the contracts between the water corporation and the home owners.

10. The permit holders were prevented from proceeding with their project by the department's December 3, 1985 order which mandated that no further work be done due to a continuing decline in the pressure of the geothermal aquifer.

CONCLUSIONS OF LAW

1. The permit holders have been prevented from proceeding with this project since November 19, 1982, the date that Idaho Power Co. named them as a defendant in the case of Idaho Power Co. vs. Idaho Department of Water Resources, et. al.

2. The permit holders were granted an extension of time on May 30, 1984 by the department because they had proceeded with diligence in the drilling of the well.

3. Since the permit holders were found to be proceeding with diligence and were granted an extension of time after November 19, 1982, the date of the law suit that prevented them from pursuing their project, they could not have completed the project.

4. The permit holders have now proposed an amendment to the permit which should cause Idaho Power Co. to release them from the suit.

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MAR 20 1987

5. The proposed amendment should be approved to delete irrigation as a purpose for the water and to describe the place of use as lots 3, 11, 12, 14 and 18 of the Salmon River Ranches subdivision.

6. The permit holders should be allowed a sufficient period of time to complete their project and submit proof of beneficial use.

ORDER

The permit holders are, therefore, allowed until January 1, 1988 to complete the proposed project and submit proof of beneficial use.

It is further ordered, that the permit be amended as requested in the Application for Amendment of a Permit dated May 9, 1986.

Dated this 31st day of December, 1986.


BOBBY D. FLEENOR
Hearing Officer

MICROFILMED
MAR 20 1987

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7520
IN THE NAME OF RAY AND GLEN DEPEW

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on this the 7th day of January, 1987, true and correct copies of the foregoing ORDER ISSUING PROPOSED MEMORANDUM DECISION and PROPOSED MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

Ray and Glen Depew
Rt. 2 Box 115A
Wendell, ID 83355

Gary Slette
P. O. Box 1906
Twin Falls, ID 83301


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

MICROFILMED

MAR 20 1987

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

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MAR 20 1981

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

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

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

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

.

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

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

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

MICROFILMED

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

ORDER

IT IS, THEREFORE, HEREBY ORDERED as follows:

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

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

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

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

MICROFILMED

MAR 20 1981

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

DATED this 4th day of December, 1985.


A. KENNETH DUNN
Director

MICROFILMED

MAR 20 1987

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

Nº 14883

I, Linda Copps McSwain being first duly sworn up-
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

March 21, 1985, and ending with the issue dated
March 28, 1985.

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 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

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

Subscribed and sworn to before me on this 28 day of
March, 1985

Linda Copps McSwain
Jaldie J. Sawcett
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

For Office Use Only
Fee Received \$1500 <i>new</i>
Date 5-17-84
Receipt # 34625

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 20 1984

REQUEST FOR EXTENSION OF TIME

RECEIVED

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

APR 17 1984

Department of Water Resources
Southern District Office

Ray or Glen Depew of Rt # 2 Box 115A Wendell
(Name) (Address)

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. 47-7520.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 1, 1984.

That he has heretofore performed the following work described under said permit: Drill and
cap well, test flow and do legal ground
work required to sell water to
customers *commenced work*
(This must be filled out if no work has been completed put none.)

Costing \$ 10,000.-

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
The Swan Falls water issue has
cast a shadow on our water right
and on our ability to sell the
water for domestic heating.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to June 1, 1989.
(1 yr. minimum, 5 yrs. maximum)

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

Ray Depew
(Signature)*
*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 the statement of beneficial use is extended to June 1, 1989.

Signed this 30th day of May, 1984.

J. Glen Saxton
Chief, Operations Bureau

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF THE BANBURY HOT SPRINGS	)	ORDER SUPPLEMENTING
	)	CONDITIONS OF APPROVAL FOR
GROUNDWATER MANAGEMENT AREA	)	PERMIT TO APPROPRIATE
	)	GROUNDWATER NO. 47-7520

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

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

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

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

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

NOW, THEREFORE, the conditions of approval for Permit No. 47-7520 are hereby supplemented with the following additional conditions:

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

RECORDED

until approved by the Department.

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

Dated this 2nd day of May, 1983.

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 47-1520
REGISTERED
APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Ray and/or Glen Depew Phone 536-2741
Post office address Route # 2 Wendell, Idaho 83355
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30 Township 8S
Range 14E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2 cfs for Home Heating ^{Greenhouse etc} purposes from JAN 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.2 cfs for irrigation purposes from MARCH 15 to NOV 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 2.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pipelines to place
of use.

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

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

c. Proposed well diameter is 8 inches; proposed depth of well is 700 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: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30 Township 8S
Range 14E B.M.

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

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

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

(5) If water is to be used for other purposes describe: Applicant is seeking hot
water to be used to heat homes, Greenhouses, swimming
pools etc.

MINNEAPOLIS

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

[illegible]

Total number of acres to be irrigated 5

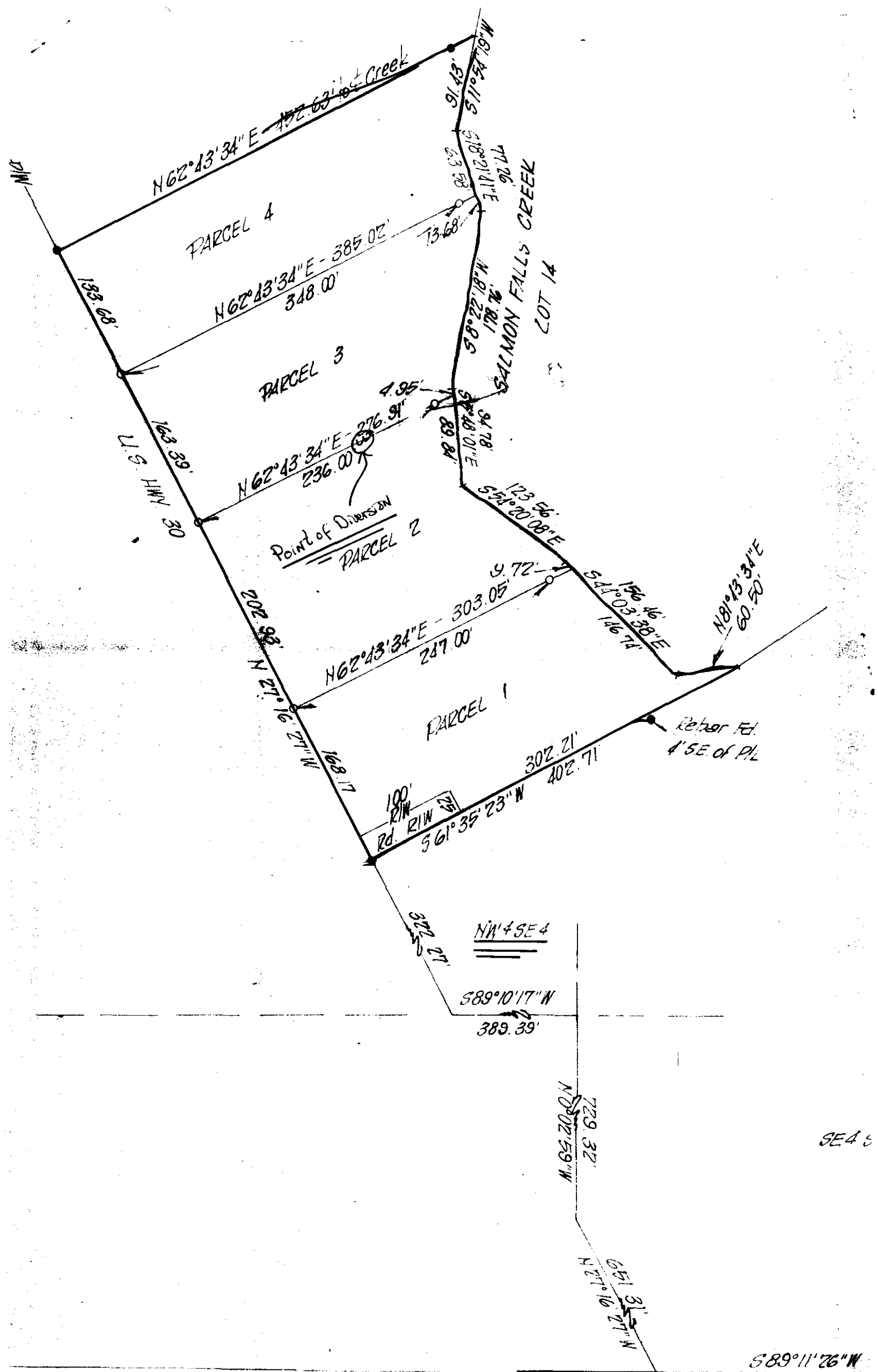
c. Describe any other water rights used for the same purposes as described above.

9. a. Who owns the property at the point of diversion Applicants

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

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



A full-page sheet of white graph paper featuring a uniform black grid. The grid consists of 20 columns and 20 rows of squares, creating a total of 400 small square units. The lines are thin and evenly spaced, covering the entire area of the page.

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

(Applicant)

Proposed Priority 4-25-79

Received by TGB Date 4-25-79 Time 12:00

Preliminary check by JA Fee \$ 45.00 Revt #12770

Receipted by TGB Date 4-25-79

Publication prepared by marie Date 5-3-79

Published in times news

Publication dates 5/17 + 5/24/79

Publication approved marie Date 5/16/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by LH J.S.

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. 47-7520, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 84.
- 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) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (3) Return water shall be treated to insure that the effluent meets intrastate stream water quality standards.

Witness my hand this 25th day of June, 1979.

J. Glen Sayton
Chief, Operations Bureau

NOTICE OF APPLICATION
FOR WATER RIGHT

Notice is hereby given
that the following ap-
plication has been
Place of Use: LOT 61 (NENE)
Sec 36 T 10S R 18E FOR 17
ACRES

Diversion Means:
COLLECTION BOXES
AND PIPES

47-7520

DEPEW, RAY & GLEN
ROUTE 2, WENDELL, ID.
83355

Source: GROUNDWATER

Date Filed: 04/25/1979

Amount: 2.00 CFS

Diversion Point: NWSE Sec
30 T 08S R 14E, TWIN
FALLS Co.

Use: HEATING (2.00 CFS)

from 01/01 to 12/31

IRRIGATION (2.00 CFS)

from 03/15 to 11/15

Place of Use: NWSE Sec 30

T 08S R 14E FOR 5 ACRES

Diversion Means: WELL,
PIPELINES TO PLACE OF
USE

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 JUNE
4, 1979.

C. STEPHAN ALLRED

Director

PUBLISH: Thursday, May 17,

and 24, 1979.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

RECEIVED
MAY 25 1979

I, *John A. Dugan*, being first duly sworn upon

oath, depose and say that I am *Editor* 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 *Thursdays*, commencing with the issue dated
May 17, 1979, and ending with the issue dated
May 24, 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 com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this *24th* day of

1979

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

NOT RECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

June 21, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GEORGE C RATHKE
19059 HWY 30
BUHL ID 83316

RE: Change of Ownership for Permit 47-07520

Dear Mr. Rathke:

Our letter to you of April 20, 2001 (copy enclosed) remains unanswered.

As stated in the April 20th letter, we are unable to process your request for ownership change without an Assignment of Permit form. In the event that the original assignment form has been misplaced, I have enclosed another form for your convenience.

Since you have paid the \$25.00 filing fee, we assumed you wished to complete this ownership change processing. If you no longer wish to pursue this ownership change, please advise our office and the filing fee can be refunded.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

A handwritten signature in black ink, reading "Kari Lynn Townsend". The signature is fluid and cursive, with a large, stylized initial 'K'.

Kari Lynn Townsend
Secretary

KLT:k

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

April 20, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GEORGE C RATHKE
19059 HWY 30
BUHL ID 83316

RE: Change of Ownership for Permit 47-07520

Dear Mr. Rathke:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Because this water right is still in the permit stage, an Assignment of Permit will be required to complete the ownership change. Enclosed is an assignment form for your use. We are returning the paperwork that you sent as we only require the completed assignment form to process the change. The filing fee that you submitted for the ownership change will be used to cover the same type of cost for the assignment.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

A handwritten signature in black ink, reading "Kari Lynn Townsend". The signature is fluid and cursive, with the first name "Kari" being more prominent and the last name "Townsend" following in a similar style.

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

Idaho Department of Water Resources Receipt

Receipt ID W027542

Payment Amount	\$25.00	Date Received	4/10/01 1:15:49 PM	Region	Western	Status
Payment Type	Check	Check Number	3301			

Payer RATHKE, GEORGE C / MARION C BARRY TRUSTEE

Comment CHANGE OF OWNERSHIP: 47-02520

Fee Detail

Amount Description

Fund FD PCA SO

\$25.00 OWNERSHIP CHANGES/SECURITY INTERESTS 0229 21 62140 1155
Signature Line (Dept Representative)

ACTION REQUIRED

FROM: Jim Stanton

TO: Shelley Keen 12-8-98

Mr. Depew has paid re-exam fee. Objected to original flow rate recommendation, & wants new measurement in January. Has been working with you.

J



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

DEC 17 1998

Department of Water Resources

CHANGE IN ADDRESS

RECEIVED

DEC 07 1998

Department of Water Resources
Southern Region

☐ Water Right Number(s):

47-07520

☐ Old Mailing Address:

C/O Mike Jacobson

2849 S 1600 E

Wendell, ID 83355

☐ New Mailing Address:

2825 S 850 E Ray G. Depew

Hagerman, ID 83332

☐ New Telephone Number: () 837 - 9182

☐ Signature of Claimant(s):

Ray G. Depew

Date:

12-2-98

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

WR 2 updated on 6.30.98
because of past office notice.
Ret.
12.11.98

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 5021661

Date:
Time: 12/ 7/1998
11:45:45

Received
From: DEPEW, RAY G.

Type of Payment	Program A cct	Amount
RE-EXAM FEE, PERMIT 47-07520	64104 229 21 1155	125.00
CHECK 357		
	Total \$	125.00

Region: SOUTHERN

Signature: JF Horton

MEMORANDUM

DATE: December 9, 1998

TO: Allen Merritt

FROM: Shelley W. Keen *(SWK)*

RE: Re-examination for 47-07520

In accordance with a plan approved by Norm, Ray Depew recently paid another fee for a re-examination of permit 47-07520. (See receipt S021661.) Now that Mr. Depew has paid the fee, I need to carry out my part of the plan, which is to ask you to see that a new field examination is conducted this winter. Therefore, I am returning to you the original field examination and several pages of supporting correspondence. The reason for the re-examination is explained in my 6/16/1998 memo to Norm. That memo also explains why the re-examination should be done in the winter.

Corey Skinner is somewhat familiar with this permit because he has assisted a homeowner who wants to file an ownership change on her portion of the system. Because of his familiarity with the file, and because of the complex calculations required to determine beneficial use for a heating right, you might consider choosing Corey to conduct the exam.

Thanks in advance for your help on this. Please call if you have any questions.

RECEIVED

JAN 13 1994

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 47-7520

1. Owner: Ray and/or Glen DePew Phone No. 774-2245 - Glen

Current Address: Glen = HC64 Box 9385, Ketchum, ID 83340

2. Accompanied by: Ray & Glen DePew EXAM DATE: 12-2-92

Address: _____ **Phone No.** _____

Relationship to Permit Holder: OWNERS

3. Source: groundwater - tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

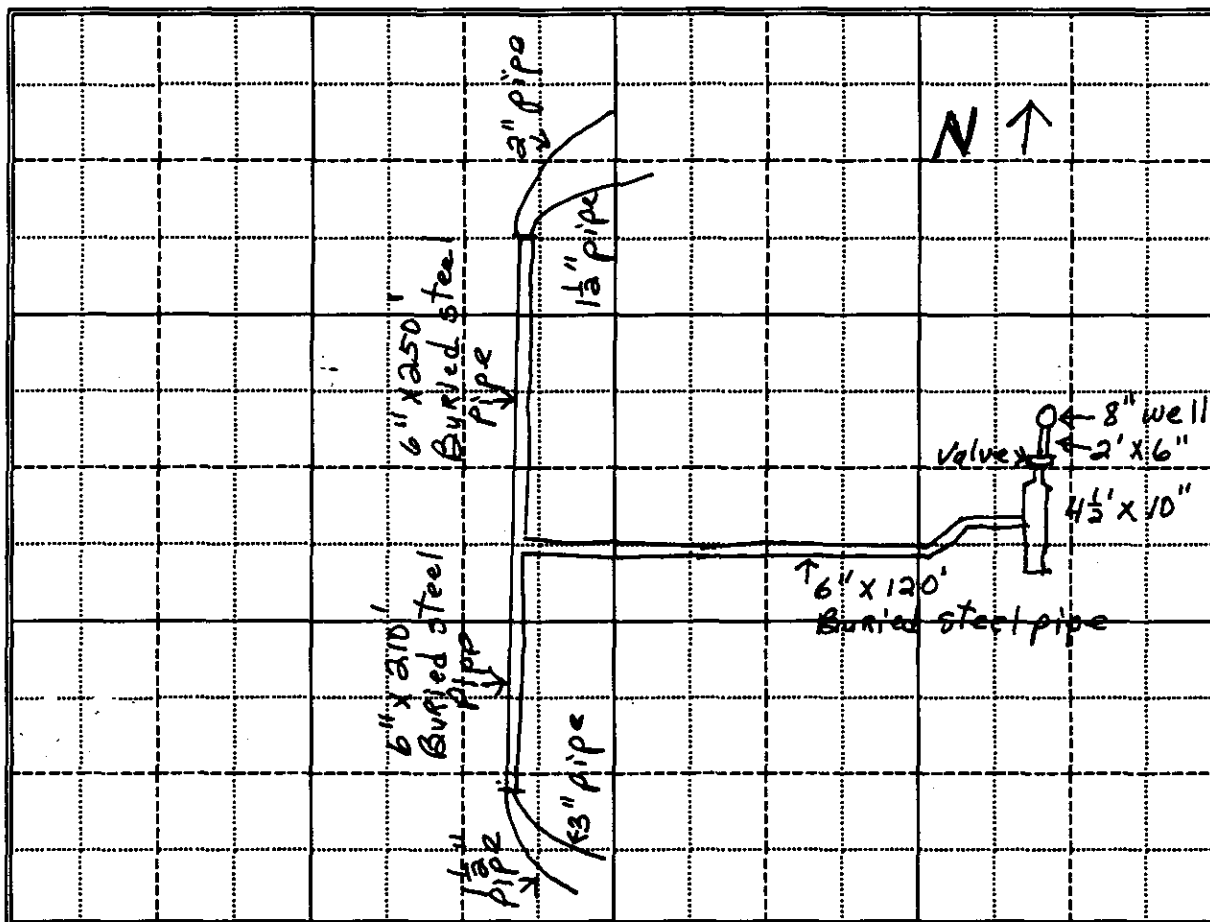
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

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



Scale: Not to scale

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

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

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
NA - Artesian well					

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: No measurement was possible due to lack of an access port or other device to measure and the inability to have a full discharge from the well.

E. NARRATIVE/REMARKS/COMMENTS

See Attached

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

F. FLOW CALCULATIONS

Measured Method:

☒ Additional Computation Sheets Attached

G. VOLUME CALCULATIONS *See Attached*

1. Volume Calculations for Irrigation:

$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

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

2. Volume Calculations for Other Uses:

See Attached

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Heating</i>	<i>10-1</i>	<i>5-1</i>	<i>.16 cfs</i>	<i>17.5 afa</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<i>.16 cfs.</i>	<i>17.5 afa</i>

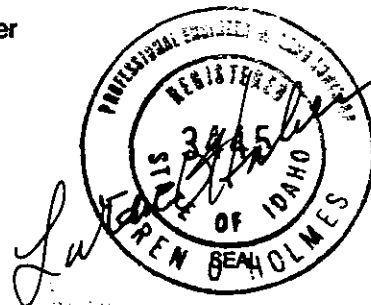
2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name *Mike Schulte* Date *12-8-93*

Reviewer _____ Date _____



47-07520 DEPEW, RAY & GLEN
B/U FIELD REPORT SUPPLEMENT
SUGGESTED CONDITIONS

1. ANY USAGE UNDER THIS RIGHT SHALL BE ASSOCIATED WITH A DOMESTIC USE.
2. THE RATE OF DIVERSION FOR EACH DOMESTIC USE SHALL BE PROPORTIONATE AND EQUAL AND EACH SHALL NOT EXCEED 7.3 GPM (.016 CFS). THE TOTAL MAXIMUM DIVERSION RATE FROM THE WELL SHALL NOT EXCEED 73 GPM (.16 CFS).
3. THE ANNUAL VOLUME FOR EACH DOMESTIC USE INCLUDING ASSOCIATED DEVELOPMENTS SHALL NOT EXCEED 1.75 ACRE FEET PER ANNUM. THE TOTAL ANNUAL DIVERSION VOLUME FROM THE WELL SHALL NOT EXCEED 17.5 ACRE FEET PER ANNUM.
4. THE PROPORTIONATE SHARES OF THIS RIGHT APPURTENANT TO EACH DOMESTIC HEATING USE SHALL NOT BE COMBINED WITH ANY OTHER PROPORTIONATE SHARE.
5. R07, R08, R56, R57

47-07520 RAY & GLEN DEPEW
NARRATIVE/REMARKS/COMMENTS

The source is an 8" diameter geothermal artesian well. A fitting in the plate on top of the casing contains a valve and pressure guage that were not serviceable at the time of the field exam. Near the top of the casing water discharges to a 6" steel pipe that has a shut off valve about 2' from the well casing. This valve was also not useable. Next to the valve water enters a 4.5' X 10" steel pipe. A 6" steel pipe then diverts water from the 10" pipe and goes underground to the West for about 120' to a "T" junction.

At the "T" water flows in the 6" buried pipe North for about 250' or South for about 210'. At the end of the Northerly pipe a valve allows water to flow into 2" and 1.5" PVC pipes. At the end of the Southerly pipe a valve diverts water to 3" and 1.5" pipes. Several of the these valves and pipe were leaking or not useable at the time of the exam.

No flow measurement port or measuring device has been installed any place in the delivery system to determine the rate of diversion. The owners indicated they have sold shares in this well but the actual useage cannot be determined. There is no practical way to provide a measureable discharge from the well.

Amendments to the permit were approved 3-10-1987 and 1-29-1991. The last amendment provides for heating of homes, greenhouses and swimming pools for 10 homes on 5 subdivision lots. Development of the permit is considered complete when the lots are stubbed in with the water delivery system. Four of the home sites are on the same lot (Lot 14) as the well so stubbing is considered complete for four homes on this lot. The 1.5" to 3" pipes connected to the North and South ends of the 6" buried pipe described above, while marginal, is accepted as meeting the definition of "stubbed in." Therefore, a total of 10 home units as provided in the 1-29-1991 amendment is considered as the completed development of the system.

Since there is no actual measureable useage from the system, the diversion rate and volume recommendations are based on figures calculated for heating a 2500 sq. feet home with a 500 sq. ft garage using a heating system with a "better" efficiency rating and normal insulation. (The formulas and calculations used are on a separate sheet) No additional diversion is considered necessary for greenhouse or swimming pool use. The water temperature was measured at 158 degrees fahrenheit. The temperature drop across the system is estimated to be 26.4 degrees. Consequently, the discharge water at 131.6 degrees after a house and garage are heated would be adequate to heat domestic greenhouses and too hot to directly use in a domestic swimming pool or hot tub without cooling.

The permit owners indicated they have sold shares in this permit and well. They may have contracted for a total diversion rate in excess of the recommendations in this report due to their misconception that they are entitled to the full 100" specified in the permit.

Therefore, the recommendations in this report will most likely be contested. Ray DePew also claims the department approved their contracts to sell water from the well. He may insist that we are obligated to license a sufficient flow rate to cover all of their contractual flow rates.

47-07520 DEPEW, RAY & GLEN
DIVERSION RATE AND VOLUME CALCULATIONS

THE FOLLOWING CALCULATIONS ASSUME HEATING FOR A 2,500 SQ. FT. HOME WITH A 500 SQ. FT. GARAGE HAVING NORMAL INSULATION (R25 CEILINGS, R13 WALLS, DOUBLE GLAZED WINDOWS WITH DOORS AND WINDOWS WEATHER STRIPPED). THIS WOULD GIVE THE IMPROVEMENTS AN EFFICIENCY RATING OF "BETTER".

* "A" DIVERSION RATE CALCULATIONS

Temperature drop across system:

$$\begin{aligned}\Delta T_s &= (0.3)(158^\circ - 70^\circ) \\ &= .3 \times 88^\circ = 26.4^\circ \text{ F}\end{aligned}$$

Design heat load:

$$\begin{aligned}E &= [e \times \Delta T] A \\ &= [.44 \times 70 \text{ (} \frac{1}{3} \text{)}] 3,000 \text{ sq. ft.} \\ &= .44 \times 73 \times 3,000 \text{ sq. ft.} \\ &= 96,360 \text{ BTU/hr}\end{aligned}$$

Flow rate required per home unit:

$$\begin{aligned}W &= \frac{Q}{(500)(\Delta T_s)} \\ &= \frac{96,360 \text{ BTU/hr}}{500 \times 26.4} \\ &= \frac{96,360}{13,200} = 7.3 \text{ gpm per home unit}\end{aligned}$$

Flow rate recommended for 47-07520

$$7.3 \text{ gpm per home unit} \times 10 \text{ homes} = 73 \text{ gpm} = .16 \text{ cfs}$$

* SEE MEMORANDUM LABELED ATTACHMENT "A" FOR DEFINITIONS, VALUES AND TABLES USED IN FORMULAS.

** "B" VOLUME CALCULATIONS

Peak Heating Load in BTU/hr (HL):

$$32 \times 3,000 \text{ sq. ft.} = 96,000 \text{ BTU/hr}$$

Volume used per home unit:

$$V = \frac{HL \times DD \times 24 \times C_d}{\Delta t_1 \times k \times C_{\Delta t_2}}$$

$$V = \frac{96,000 \times 5,970 \times 24 \times .6}{(73) \times (.90) \times (8.33)(26.4)}$$

$$= 571,207.3 \text{ gallons} = 1.75 \text{ afa per home unit}$$

$$1.75 \text{ afa per home unit} \times 10 \text{ homes} = 17.5 \text{ afa total}$$

Season of use:

$$10-1 \text{ to } 5-1 = 212 \text{ days}$$

$$V_{dr} = .16 \text{ cfs} \times 1.9835 \times 212 = 67.3 \text{ afa}$$

$$\text{RECOMMENDED VOLUME} = 17.5 \text{ afa}$$

**** SEE MEMORANDUM LABELED ATTACHMENT "B" FOR DEFININTIONS, VALUES, TABLES AND GRAPHS USED IN FORMULAS**

PERMIT 47-7520 INIT _____
T. R. S. Q/Q
P/D 85 14E 30 NWSE
SCALE _____
PHOTO ID. BB20





Area of Note: 619.66 Acres - of which 612.45 Acres Town land - 7.21 Acres 22829.43

Survey Designated	By Whom Surveyed	Date of Contract	Amount of Survey	When Surveyed	Year of Completion
Township lines	Clifford Stevens and David O. Stevens	Nov. 6, 1893	11.20 Acres	1893	1893
Subdivisions			59.60 Acres	July 26, Sep. 3, 1893	1893

DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

BALLPOINT PEN

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

1. WELL OWNER

Name Fry, Deane Allen Depew
Address 1000 BELL, FORD
Owner's Permit No. _____

7. WATER LEVEL

Static water level _____ feet below land surface.
Flowing? ☒ Yes ☐ No G.P.M. flow 1000 G.P.M.
Artesian closed-in pressure 96 p.s.i.
Controlled by: ☒ Valve ☐ Cap ☐ Plug
Temperature 16.1 °F. Quality _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☒ Other WATER SUPPLY (specify type)

4. METHOD DRILLED

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

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness _____ Diameter _____ From _____ To _____
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches
Number _____ From _____ To _____
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
Well screen installed? ☐ Yes ☐ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 90 Material used in seal: ☒ Cement grout
☐ Pudding clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent
Weld
☐ Cemented between strata
Describe access port _____

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water Yes/No
	From	To		
8"	0	35	CLAY	X
35"	35	37	GRAVEL & WATER	X
35"	37	72	MED. HARD. GREY LAVA	X
			CLAY & SILTS OF RED	X
			DISCONTINUED PERFORATION	X
90"	110	110	DISCONTINUED RED PERFORATION	X
40"	135	135	GREY LAVA (CLAY)	X
135"	140	140	RED CLAY	X
140"	150	150	GREY CLAY	X
150"	170	170	SOFT GREY LAVA	X
170"	175	175	GREY LAVA & CLAY	X
175"	220	220	SOFT LAVA	X
220"	225	225	CLAY - 275 HOLE	X
225"	420	420	DARK RED CLAY (CLAY)	X
420"	450	450	INFO DARK LAVA	X

RECEIVED

JUN 16 1957

Department of Water Resources
Southern Region Office

RECEIVED

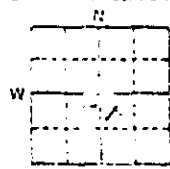
JUN 17 1957

10.

Work started 4-19-57 hours 4

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Rolling Hills
Rolling Ranches
Lot No. 14 Block No. _____

County Franklin

5-20

DATE 5/17/57

11. DRILLER'S CERTIFICATION

I, the undersigned, certify that the above information was obtained from the owner of the well and that the well was drilled in accordance with the specifications of the Department of Water Resources.
Name Edwin L. Lister
Address 1000 BELL, FORD
Signature [Signature]

47-7520



47-7520

12-2-92



P/D



P/D

47-7520



PID

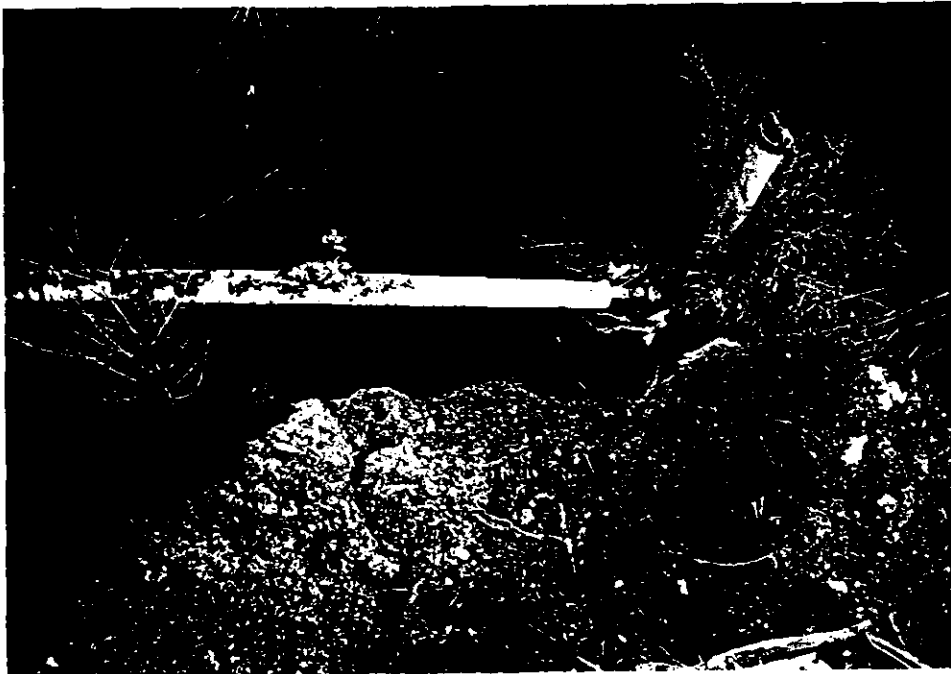


Valves and 2" x 1 1/2"
pipes at the end of 6"
buried mainline going
North.

47-7520



Valve and 3"
pipe at South
end of 6" buried
mainline.



Valve and 1 1/2"
pipe at South
end of 6" buried
mainline.

Attachment "A"

METHOD FOR ESTIMATING RESIDENTIAL SPACE HEATING LOAD

The following is a method to estimate a residential design heat load for sizing heating systems for typical residential buildings.

Design Heat Load

This varies for Idaho from a low of 25 BTU/hr-sq.ft. for a well insulated home in Boise to a high of 75 BTU/hr-sq.ft. for an average insulated home in Soda Springs. These values are appropriate for a single story house. If the house is two stories, then multiply the BTU/hr-sq.ft. ($e \cdot \Delta T$) value by 0.8.

A more precise determination of the BTU's required for a given house can be determined from the formula:

$$E = [e \cdot \Delta T] A \quad \text{where}$$

E = BTU/hr required

e = House efficiency factor BTU/hr-sq.ft.-°F

ΔT = Design temperature difference ($t_i - t_o$) in degrees Fahrenheit for residence

A = Area of livable floor space in the house in sq. ft.

For a two story house the formula becomes $E = [e \cdot \Delta T] 0.8 \times A$.

And,

t_i = the inside design temperatures (approximately 70°F)

t_o = the outside design temperature

Suggested Outside Design Temperatures *

Boise 4°F

Lewiston 6°F

Pocatello -8°F

* From (American Society of Heating, Refrigeration & Air Conditioning Engineers), Handbook of Fundamentals, 1972.

Values for (e) are as follows:

.28 = Best energy efficiency -

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

.44 = Better energy efficiency -

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

.67 = Average residence -

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

1.11 = Poor energy efficiency -

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

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

TABLE 1

$e \cdot \Delta T$ = BTU's/sq.ft.-hr for Different House Efficiencies

House Efficiency	Best $e = .28$	Better $e = .44$	Average $e = .67$	Poor $e = 1.11$
Design Temperature Difference $T = (t_i - t_o)$				
50°	14	22	33	56
60°	17	26	40	67
70°	20	31	47	78
80°	22	35	54	89
90°	25	40	60	100
100°	28	44	67	111

Example:

The following is an example problem to determine the design heat load for a hypothetical house. The house is a single story house with 1,250 ft.² of floor with average insulation located in Boise.

The design heat load is estimated from the equation:

$$E = [e \cdot \Delta T] A$$

Where for this case:

$$e = .67 \text{ BTU/hr-ft.}^2\text{-}^\circ\text{F (average insulation)}$$

$$\Delta T = (70 - 4)^\circ\text{F (assume a } 4^\circ\text{F design temperature for Boise)}$$

$$A = 1,250 \text{ ft.}^2$$

Putting these numbers in the equation gives:

$$E = [.67 \times (66)]1250 = 55,275 \text{ BTU/hr}$$

METHOD FOR ESTIMATING
RATES OF FLOW
FOR
GEOTHERMAL HEATING SYSTEMS

The flow needed from a geothermal heat source depends on the maximum anticipated heat load (design heat load) and the temperature drop across the system (ΔT_s).

Design Heat Load

The design heat load must first be estimated. This can be done several ways. Some examples are:

- 1) Take name plate ratings from equipment
- 2) Take meter readings from existing processes.
- 3) Estimate by heat transfer and/or thermodynamic calculations.

If space heating is required, see attached method for estimation.

Temperature Drop Across System

To determine this, some information about the temperature requirements of the system is required. For instance, for residential space heating a temperature of 70°F is commonly assumed, for drying purposes a temperature of 120°-160° is adequate and to make steam at atmospheric pressure a temperature higher than 212°F is required. Once the system temperature requirement is established, the system temperature drop can be estimated from the formula -

$$\Delta T_s = (0.3) (S - t) \quad \text{where}$$

ΔT_s = Temperature drop across system °F

S = Geothermal source temperature °F

t = Temperature required by system °F

Note that the source temperature must always be higher than the system temperature unless a heat pump is to be used. If a heat pump is used, the temperature required at the evaporator becomes the system temperature.

Flow Rate Required

Once the heat load and temperature drop are estimated, the flow rate can be estimated from the equation -

$$W = \frac{Q}{(500) (\Delta T_s)} \quad \text{where}$$

W = Flow rate in gallons per minute

Q = System heat load in BTU/Hr

ΔT_s = Temperature drop across system °F

These calculations should not be used to design a geothermal heating system, but will give an indication of the approximate flow needed from a geothermal resource when applying for a water right from this Department. An engineer who is knowledgeable about the design of heating systems should be consulted for the actual design.

Example

The following is an example to estimate the flow required to heat a house with a design heat load of 50,000 BTU/hr from a geothermal well with 200°F water.

The heat load is given - 50,000 BTU/hr.

Since the heat load is space heating for comfort, the system temperature is assumed to be 70°F.

The temperature drop across the system is determined from the equation -

$$\Delta T_s = (0.3) (S - t)$$

for this case:

$$\Delta T_s = (0.3) (200^\circ - 70^\circ)$$

$$\Delta T_s = 39^\circ \text{F}$$

The flow rate is determined from

$$W = \frac{Q}{(500) (\Delta T_s)}$$

for this case:

$$W = \frac{50,000 \text{ BTU/Hr}}{500 (39^\circ \text{F})}$$

$$W = \underline{2.56 \text{ GPM}}$$

Therefore, 3 GPM would be a reasonable estimate.

Attachment "B"

MEMORANDUM

TO: Terry Blau
FROM: Rick Sterling *RS*
SUBJECT: Estimating annual water requirements for geothermal heating
DATE: March 25, 1988

I have come up with a procedure for estimating annual water requirements for geothermal heating that I hope will give reasonably accurate results, yet still be fairly simple to use. Note that the method was developed for predicting residential energy use; consequently, applying it to anything else greatly increases the margin for error. Also note that an underlying assumption in using this procedure is that the heating system in question has an adequate means of adjusting flow rates. The procedure is outlined below in a step-by-step format. Necessary graphs and tables of data are attached.

- Step 1 - Estimate the peak heating requirement per square foot of floor area using the attached graph. Select the design temperature difference along the x-axis, which is the desired indoor temperature minus the design outdoor temperature. Design outdoor temperatures are given for several Idaho locations on the attached table "Climatic Conditions for the United States."
- Step 2 - Multiply the peak heating requirement per square foot of floor area by the dimensions of the building to be heated to obtain a peak heating load in BTU/hr.
- Step 3 - Apply the equation shown below to estimate annual water requirements.

$$V = \frac{HL \cdot DD \cdot 24 \cdot C_D}{\Delta t_1 \cdot k \cdot C \Delta t_2}$$

Where

V= annual volume of geothermal water required

HL= peak heating load in BTU/hr

DD= annual heating degree days (see attached table)

24= 24 hrs/day

C_D = empirical correction factor for heating effect vs. 65 F degree days

Use 0.85 (conservative) for greenhouses - Geo-Heat center research indicates C_D varies from 0.70 to 0.82 for greenhouses.

For standard construction, choose C_D from ASHRAE Figure 1 (attached).

Δt_1 = design temperature difference, i.e., desired indoor temperature minus design outdoor temperature (same as for determining peak heating requirement)

k= correction factor to account for losses in system which do not contribute to space heating of structure, i.e., system efficiency. Use 0.90.

C= constant to correct for desired units

for V in acre-ft use $C = 2.72 \times 10^6$ BTU/AF-°F

for V in gallons use $C = 8.33$ BTU/gal-°F

for V in ft³ use $C = 62.4$ BTU/ft³-°F

Δt_2 = temperature of incoming geothermal water minus temperature of outgoing geothermal water in degrees F.

Example -

*Glass greenhouse located in Twin Falls

*Design indoor temperature = 60 °F

*Greenhouse dimensions are 100 x 120

$$V = \frac{HL \cdot DD \cdot 24 \cdot C_D}{\Delta t_1 \cdot k \cdot C \Delta t_2}$$

Where

V= annual volume of ge

HL= peak heating load

DD= annual heating deg

24= 24 hrs/day

C_D = empirical correction factor for heating effect vs. 65 F degree days

Use 0.85 (conservative) for greenhouses - Geo-Heat center research indicates C_D varies from 0.70 to 0.82 for greenhouses.

For standard construction, choose C_D from ASHRAE Figure 1 (attached).

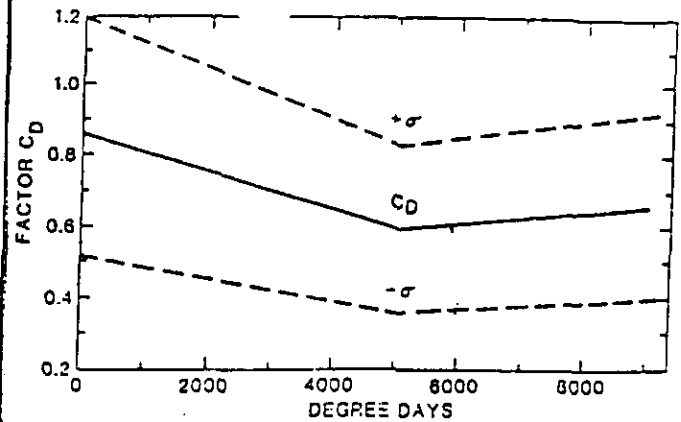


Fig. 1 Correction Factor C_D vs. Degree-Days

Δt_1 = design temperature difference, i.e., desired indoor temperature minus design outdoor temperature (same as for determining peak heating requirement)

k= correction factor to account for losses in system which do not contribute to space heating of structure, i.e., system efficiency. Use 0.90.

C= constant to correct for desired units

for V in acre-ft use $C = 2.72 \times 10^6$ BTU/AF-°F

for V in gallons use $C = 8.33$ BTU/gal-°F

for V in ft³ use $C = 62.4$ BTU/ft³-°F

Δt_2 = temperature of incoming geothermal water minus temperature of outgoing geothermal water in degrees F.

Example -

*Glass greenhouse located in Twin Falls

*Design indoor temperature = 60 °F

*Greenhouse dimensions are 100 x 120

*Geothermal supply water temp = 140° F

*Geothermal water exit temp = 105° F ($\Delta t = 35^\circ$ F)

Inside minus outside temp = $60 - (-3) = 63^\circ$ F

Peak heat required = 137 BTU/hr-ft²

Peak heat load = $137 * 100 * 120 = 1,644,000$ BTU/hr

Heating degree days = 6146

$\Delta t_1 = 63^\circ$ F

k = 0.90

C = 2.72×10^6

$\Delta t_2 = 140 - 105 = 35^\circ$ F

$$V = \frac{(1644000)(6146)(24)(0.85)}{(63)(0.90)(2.72 \times 10^6)(35)}$$

$$= 38.2 \text{ AF/yr}$$

(NOTE: the larger Δt_2 gets, the smaller V gets, i.e., big Δt_2 's require less water.)

Call me if you have any questions.

PEAK HEAT REQUIRED PER SQUARE FOOT OF FLOOR AREA (BTU/Hr)

A - Well insulated

B - "Normally" insulated, R-19 ceilings,
R-13 walls, double glazing

C - older homes, R-13 ceilings, single
glazing, no wall insulation, standard-
frame construction.

GLASS

FIBERGLAS

SINGLE POLY

DOUBLE POLY

INSIDE MINUS OUTSIDE TEMPERATURE (°F)

0

10

20

30

40

50

60

70

80

90

100

0

20

40

60

80

100

120

140

160

180

Often energy calculations lead to an economic analysis to establish cost effectiveness of conservation measures. Thus, thorough energy analysis provides intermediate data, such as time of energy usage and maximum demand, so that utility charges can be accurately estimated. Although not actually part of the energy calculations, it is necessary to estimate capital equipment costs to complete this process. This is often done in conjunction with the energy analysis.

Methods Available

The sophistication of the calculation procedure can often be inferred from the number of separate ambient conditions and/or time increments used in the calculations. Thus, a simple procedure may use only one measure, such as annual degree days, and will be appropriate only for simple systems and applications. In this case, these methods are called *single-measure methods*. Accuracy can be improved by using more information, such as the number of hours anticipated under particular operating conditions. These methods, of which the *bin method* is best known, are referred to as *simplified multiple-measure methods*. The most elaborate methods perform energy balance calculations hourly over a given analysis period, typically one year. These are called *detailed simulation methods*. There are a number of variations. These methods require hourly weather data, as well as hourly estimates of internal loads such as lighting and occupants. Although not widely accepted as necessary, some calculations are made over shorter time intervals.

The tendency in the literature to classify methods of energy calculations as either "hand calculation" or "computer" methods are no longer appropriate, since even the simplest methods today are programmed for computer or programmable calculator solution.

The growing importance of solar heating and/or cooling of buildings requires that methods for energy analysis be available to the engineer or designer. Solar systems differ from conventional systems primarily in that they require mathematical models of solar collectors and other specialized components. Also, assumptions that are suitable for analysis in conventional systems may not be applicable to solar systems, because of the greater sensitivity of solar systems to climate variation. Therefore, this chapter includes a separate section on the analysis of active and passive solar heating and cooling systems.

PART I: SINGLE MEASURE METHODS

While the single measure methods described in this section generally apply only to residences, the equivalent full-load hour technique for estimating cooling is also used in light commercial applications.

Records of past energy requirements and/or fuel consumption for a particular residence are the best basis for estimating future energy use. However, in the absence of past records for a particular residence, the data from similar local dwellings can be used, but with caution. Living habits vary greatly and identical residences can have very different energy use patterns. Averages taken from many types of plants in many types of residences in various localities can be inaccurate when applied to a particular residence. Therefore, it is often necessary to estimate energy consumption from computed heating and/or cooling loads.

In preparing energy estimates, it is important to know that any estimating method produces a more reliable result over a long period of operation than over a short period. Nearly all of the methods used give reasonable results over a full annual heating season, but estimates for shorter periods, such as a

month, can produce inaccurate results. As the estimation period is shortened, there is more chance that some factor not taken directly into account in the estimating method will deviate from its long-term average value, causing an error in the predicted energy requirement.

Single-measure methods can be divided into those applicable to estimating heating energy requirements and cooling energy requirements. Generally, heating methods have existed longer and are more refined than cooling methods.

HEATING ENERGY

The traditional degree day procedure for estimating heating energy requirements is based on the assumption that, on a long-term average, solar and internal gains will offset heat loss when the mean daily outdoor temperature is 65 F or higher and that fuel consumption will be proportional to the difference between the mean daily temperature and 65 F. In other words, on a day when the mean temperature is 20 deg F below 65 F, twice as much fuel is consumed as on days when the mean temperature is 10 deg F below 65 F. This basic concept can be represented in an equation stating that energy consumption is directly proportional to the number of degree days in the estimation period. The equation has undergone several stages of refinement¹⁻⁴ in an attempt to make it agree as closely as possible with the available measured data on an average basis. The currently recommended form is:

$$E = \frac{H_L \cdot D \cdot 24}{\Delta t \cdot k \cdot V} (C_D) \quad (1)$$

where

E = fuel or energy consumption for the estimate period, Btu.

H_L = design heat loss, including infiltration and ventilation, Btu/h.

D = number of 65 F degree days for the estimate period.

Δt = design temperature difference, deg F.

k = a correction factor that includes the effects of rated full load efficiency, part load performance, oversizing and energy conservation devices.

V = heating value of fuel, units consistent with H_L and E .

C_D = empirical correction factor for heating effect vs. 65 F degree days.

Although empirical, this equation has some basis in physical fact. In an approximate sense, $H_L/\Delta t$ can be thought of as an overall inside-to-outside thermal conductance (UA) for the building. In a similar sense, the D can be thought of as the inside-to-outside temperature difference averaged over the day, so that the product yields the daily heating load. Division by the fuel heating value yields the ideal amount of fuel required for the day. The constant is for unit conversion, i.e., 24 h/d. The factors k and C_D are empirical and attempt to account for the various effects noted in their definitions.

Values of heating load H_L must be determined for the residence for which the estimate is being made. It must account for size, building materials, architectural features, use and climatic conditions. Generally, the peak design heating load is used. This is normally calculated without consideration to solar and internal gains to reflect the peak heating requirement. Although the transmission loss is independent of the type of heating system, duct or pipe losses and air infiltration losses are not. Thus, the design heat loss should include duct or pipe losses to unconditioned spaces, reflecting the average warm air, water or steam temperature, and should reflect the additional air infiltration resulting from a stack in or adjacent to the conditioned space. Recent work^{5,6} suggests infiltration increases about 20% in fuel-heated homes without sealed combustion systems. Reeves, *et al.*⁷ suggest an increase

Degree Day Method

The simplicity of the above procedure is attractive, but certain facts must be understood to interpret the results.

Several organizations, including the National Bureau of Standards, the Electric Power Research Institute, the Institute of Gas Technology and ASHRAE are developing more valid, simplified procedures, but use of the degree day procedure probably will continue because it is easy to use and allows for quick estimates. It is important to remember that the wide variations in occupant living habits and the assumptions inherent in this procedure can result in large variations from actual fuel use on an annual basis. A study of 46 homes across the U.S. indicated that individual houses experience differences of 30 to 40% for heating.¹⁷ The entire sample of 46 homes had a total error of less than 7%.

Any method of estimating energy use based primarily on calculating heat losses or gains must also take into account the efficiency with which the energy is used. For estimating purposes, the efficiency of energy usage over the calculation period has been used. This is distinct from heating unit efficiency which expresses the heat delivered by a furnace or boiler as a percentage of the heat provided in the fuel; it is the efficiency normally used in describing the performance of a unit under rated or stated load conditions.

On one hand, a University of Illinois study¹⁸ showed that in a two-story residence with an inside chimney, as much as 35% of the heat delivered to the chimney, which would normally be considered a loss so far as heating unit efficiency is concerned, can be delivered to the house through the heated chimney walls. Much of this recovered heat may be available for heating. On the other hand, the same study showed that at times only about 50% of the heating requirement was supplied directly by the heating unit. People, lighting, appliance use and solar gains all contribute substantially. As insulation standards have improved and appliance and lighting use have increased, even larger percentages of the heating requirement are provided by such internal sources. This results in frequent operation at part load and, consequently, at lower than design efficiency.¹⁹

The utilization efficiency can vary widely even in similar residences in the same area. A fixed value could be misleading because of many factors affecting it. A system's efficiency depends on the operation of the equipment, the control arrangement and human habits. The location of the heating unit and the chimney and the net effect of infiltration often are important in determining the efficiency of utilization for heating. Efficiency also can vary with the time of year because the average load on the furnace varies. Some reasons for this have been demonstrated in intermittently fired oil furnaces.²⁰ In buildings other than residences, the efficiency of utilization of the heat supplied in the fuel also can vary widely.

THE VARIABLE BASE DEGREE DAY METHOD

Overview

The variable base degree day (VBDD) method²¹⁻²⁶ is a generalization of the widely used degree day method. It retains the familiar degree day concept, but counts degree days based on the *balance point temperature*, defined as the average outdoor temperature at which the building requires neither heating nor cooling. (Note that this balance temperature is not related to the balance temperature used in heat pump performance modeling). The use of the method for calculating heating fuel requirements is described in this section, but variations on the method have also been used for cooling calculations.^{21,24,26}

The degree-day procedure is intended to recognize that, although the energy transferred out of a building is proportional to the difference between interior space temperature and the outside temperature, the heating equipment needs to meet only the part not covered by "free heat" from internal sources such as lights, equipment, occupants and solar gain. In other words, the free heat covers energy requirements down to the *balance point temperature*, below which the energy requirements of the space are proportional to the difference between the balance point temperature and the outside temperature.

The balance temperature T_b for a building depends on indoor temperature, thermal properties the heat gains from appliances, sun and any other sources not related to the space conditioning system. The steady-state heating requirements of a building Q_H can be expressed as:

$$Q_H = \text{BLC}(T_i - T_o) - Q_s \quad (2)$$

where

BLC = building loss coefficient, Btu/h · F

T_i = indoor temperature, F

T_o = outdoor temperature, F

Q_s = all space heat gains not attributed to the space conditioning system, Btu/h

The balance temperature is determined by setting $Q_H = 0$ and solving Eq. (2) for $T_o = T_b$, so:

$$T_b = T_i - Q_s/\text{BLC} \quad (3)$$

While Eq. (2) and (3) are strictly true only for steady-state conditions, the variable base degree day method assumes that these equations can be used for analysis if all quantities are replaced by appropriate average values for the period analyzed, typically ranging from a month to a heating season.

Once the balance temperature is determined, the energy consumption can be calculated as:

$$E_H = \frac{24 \cdot \text{BLC} \cdot \text{DD}_{T_b}}{k} \quad (4)$$

where

DD_{T_b} = degree days calculated to the base temperature T_b

k = a correction factor that includes the effects of rated full load efficiency, part load performance, oversizing and energy conservation devices

There is considerable flexibility inherent in the VBDD concept since E_H can be calculated for periods as short as a few days and as long as a season. If E_{Hi} is calculated for less than an entire season, then the total seasonal requirement E_{HT} becomes:

$$E_{HT} = \sum_{i=1}^N E_{Hi} \quad (5)$$

(where e.g., $N = 12$ if E_{Hi} is calculated on a monthly basis).

The concept also lends itself to different levels of complexity in calculating each factor in Eq. (2) and (3). This method implicitly assumes that storage in the building is adequate to average out and use the free heat provided from internal gains and sunlight. Since it is known that passive solar buildings continue to require auxiliary heating when the average value of the free heat (Q_s) is greater than the average losses, the VBDD method should not be used for buildings where a large portion of the heat is provided by Q_{solar} . Methods suitable for use on such buildings are described in Section IV.

IDAHO

MONTHLY AND ANNUAL HEATING DEGREE DAY NORMALS

STATION	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	ANNUAL
SUN VALLEY	176	223	426	732	1088	1446	1558	1274	1252	843	588	386	10007
SUN VALLEY POLICE HOUSE	0	0	81	272	657	924	1011	728	617	336	138	46	4808
THREE CREEK	80	134	345	620	803	1156	1234	988	882	717	505	288	7870
TWIN FALLS 2 NNE	0	23	188	446	783	1046	1150	885	784	501	288	102	6146
TWIN FALLS 3 SE	0	22	178	465	795	1060	1159	882	818	522	288	131	6324
WALLACE WOODLAND PARK	78	128	305	589	844	1122	1228	963	858	486	437	250	7818
WEISER 2 SE	0	14	137	446	786	1051	1183	854	704	423	202	58	5839

MONTHLY AND ANNUAL COOLING DEGREE DAY NORMALS

STATION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
ABERDEEN EXP STATION	0	0	0	0	8	28	14	106	17	0	0	0	286
AMERICAN FALLS 1 SW	0	0	0	0	7	40	178	150	25	0	0	0	400
ANDERSON DAM	0	0	0	0	19	70	279	229	74	8	0	0	676
ARROWBUCK DAM	0	0	0	0	17	86	265	218	63	0	0	0	624
ASHTON 1 S	0	0	0	0	0	14	30	24	0	0	0	0	88
AVERY R 3 NO 2	0	0	0	0	10	30	128	120	40	0	0	0	328
BLACKFOOT 2 SSW	0	0	0	0	10	48	205	153	35	0	0	0	448
BLISS	0	0	0	0	18	88	285	221	67	5	0	0	805
BOYD LWB	0	0	0	0	17	91	285	235	71	0	0	0	714
BONNERS FERRY SW	0	0	0	0	0	22	93	81	16	0	0	0	212
BURLEY FWA AIRPORT	0	0	0	0	9	42	187	104	27	0	0	0	398
CALDWELL	0	0	0	0	34	118	284	217	57	0	0	0	708
CAMBRIDGE	0	0	0	0	10	56	244	168	31	0	0	0	508
CASCADE 1 NW	0	0	0	0	0	14	42	30	9	0	0	0	85
CHARLES	0	0	0	0	8	25	124	108	18	0	0	0	283
CHILLY BARTON FLAT	0	0	0	0	0	6	24	18	0	0	0	0	48
COEUR D'ALENE 1 E	0	0	0	0	6	37	147	147	38	0	0	0	385
CORONA	0	0	0	0	0	0	45	35	8	0	0	0	88
COUNCIL	0	0	0	0	14	85	243	208	55	0	0	0	585
DEERWOOD DAM	0	0	0	0	0	0	14	18	0	0	0	0	30
DEER FLAT DAM	0	0	0	0	18	75	248	182	44	0	0	0	568
DELUIS	0	0	0	0	0	8	43	33	10	0	0	0	104
DUBOIS EXP STATION	0	0	0	0	0	21	138	111	27	0	0	0	287
EMMETT 2 E	0	0	0	0	43	87	253	186	60	0	0	0	618
FENN RANGER STATION	0	0	0	0	14	38	182	158	41	0	0	0	435
FORT HALL IND AGCY	0	0	0	0	0	33	171	132	14	0	0	0	383
GARDINER WA E RS	0	0	0	0	0	43	187	145	4	0	0	0	421
JENNIS FERRY	0	0	0	0	28	110	322	241	70	5	0	0	785
GRACE	0	0	0	0	0	9	60	53	7	0	0	0	128
GRAND VIEW 2 W	0	0	0	0	20	147	357	274	78	0	0	0	886
GRANTVILLE	0	0	0	0	0	9	92	124	27	0	0	0	252
HAILEY RANGER STATION	0	0	0	0	0	12	105	97	21	0	0	0	235
HAZELTON	0	0	0	0	10	48	230	177	42	5	0	0	513
HILL CITY	0	0	0	0	0	7	64	68	10	0	0	0	148
HOLLISTER	0	0	0	0	9	42	185	145	42	7	0	0	430
IDHIE CITY	0	0	0	0	0	8	82	75	14	0	0	0	179
IDHIE FALLS FWA AP	0	0	0	0	8	26	131	102	71	0	0	0	286
IDHIE FALLS 46 W	0	0	0	0	0	21	117	85	14	0	0	0	237
ISLAND PARK DAM	0	0	0	0	0	0	10	14	0	0	0	0	24
JEROME	0	0	0	0	20	76	267	210	55	0	0	0	628
KELLOGG	0	0	0	0	7	31	118	107	21	0	0	0	284
KODIAK	0	0	0	0	15	71	203	173	54	0	0	0	518
KUNA 2 NNE	0	0	0	0	13	48	142	144	31	0	0	0	418
LEWISTON LWB	0	0	0	0	18	84	264	218	73	0	0	0	557
LIFTON PUMPING STATION	0	0	0	0	0	8	67	41	6	0	0	0	122
LOLPAH 3 E NO 2	0	0	0	0	0	11	73	88	15	0	0	0	187
MACKAY RANGER STATION	0	0	0	0	0	14	79	64	11	0	0	0	188
PALEO	0	0	0	0	7	38	183	145	36	0	0	0	414
PRY RANGER STATION	0	0	0	0	0	8	80	82	10	0	0	0	146
MC CALL	0	0	0	0	0	8	27	28	6	0	0	0	67
MONTPELIER RANGER STA	0	0	0	0	0	8	71	53	6	0	0	0	138

IDAHO

MONTHLY AND ANNUAL COOLING DEGREE DAY NORMALS

STATION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
POSCUM U OF I	0	0	0	0	6	23	100	102	29	0	0	0	259
MOUNTAIN HOME	0	0	0	0	20	85	281	225	74	11	0	0	686
NEW MEADOWS RANGER STA	0	0	0	0	0	0	28	27	6	0	0	0	61
KEZPERCE	0	0	0	0	0	11	71	81	27	0	0	0	185
OAKLEY	0	0	0	0	11	42	191	155	38	7	0	0	444
OROFINO	0	0	0	0	20	82	251	218	59	0	0	0	640
PARPA EXPERIMENT STA	0	0	0	0	22	88	252	183	43	0	0	0	608
PAUL J ENE	0	0	0	0	7	35	166	136	41	0	0	0	370
PAYETTE	0	0	0	0	24	103	304	230	59	0	0	0	720
PIERCE	0	0	0	0	8	11	55	44	11	0	0	0	126
POCATELLO MSB	0	0	0	0	7	42	205	155	24	0	0	0	437
PORTHILL	0	0	0	0	0	21	97	71	12	0	0	0	191
POTLATCH 3 MNL	0	0	0	0	5	17	76	67	16	0	0	0	179
PRESTON 3 NE	0	0	0	0	0	25	101	130	26	0	0	0	354
PRIEST RIVER EXP STA	0	0	0	0	0	11	48	48	6	0	0	0	114
RICHFIELD	0	0	0	0	5	29	141	116	41	0	0	0	312
RIGGINS RANGER STATION	0	0	0	0	34	112	347	327	143	15	0	0	864
ST ANTHONY 1 MNL	0	0	0	0	0	11	116	58	8	0	0	0	181
SAINT MARIES	0	0	0	0	0	26	114	105	27	0	0	0	272
SALMON 1 M	0	0	0	0	5	22	112	87	10	0	0	0	236
SANDPOINT EXP STATION	0	0	0	0	0	13	58	57	0	0	0	0	119
SANDPOINT 1 MNL	0	0	0	0	15	88	273	212	51	0	0	0	641
STREVELL	0	0	0	0	0	34	189	111	32	0	0	0	351
SUNBUR	0	0	0	0	5	12	83	46	7	0	0	0	193
SUN VALLEY	0	0	0	0	0	0	15	18	0	0	0	0	34
SUNN FALLS POWER HOUSE	0	0	0	6	88	188	462	308	145	13	0	0	1275
THREE CREEK	0	0	0	0	0	0	55	47	8	0	0	0	111
TWIN FALLS 4 MNE	0	0	0	0	15	68	242	181	45	0	0	0	552
TWIN FALLS 3 SE	0	0	0	0	16	68	217	155	40	0	0	0	488
WALLACE LABORATORY PARK	0	0	0	0	0	10	50	57	14	0	0	0	131
WEISER 2 SE	0	0	0	0	18	87	285	212	50	0	0	0	618

TABLE 1 CLIMATIC CONDITIONS FOR THE UNITED STATES*

Col. 1 State and Station	Col. 2 Latitude ^b	Col. 3 Longitude ^c	Col. 4 Elevation ^c Ft	Winter, ° F		Summer, ° F					Col. 7 Mean Daily Range	Col. 8		
				Col. 5		Col. 6			Col. 8					
				Design Dry-Bulb		Design Dry-Bulb and Mean Coincident Wet-Bulb			Design Wet-Bulb					
				99%	97.5%	1%	2.5%	5%		1%	2.5%	5%		
Cape Kennedy AP	28	3	80	3	16	35	38	90/78	88/78	87/78	15	80	79	79
Daytona Beach AP	29	1	81	0	31	32	35	92/78	90/77	88/77	15	80	79	78
Fort Lauderdale	26	0	80	1	13	42	46	92/78	91/78	90/78	15	80	79	79
Fort Myers AP	26	4	81	5	13	41	44	93/78	92/78	91/77	18	80	79	79
Fort Pierce	27	3	80	2	10	38	42	91/78	90/78	89/78	15	80	79	79
Gainesville AP (S)	29	4	82	2	155	28	31	95/77	93/77	92/77	18	80	79	78
Jacksonville AP	30	3	81	4	24	29	32	96/77	94/77	92/76	19	79	79	78
Key West AP	24	3	81	5	6	55	57	90/78	90/78	89/78	9	80	79	79
Lakeland CO (S)	28	0	82	0	214	39	41	93/76	91/76	89/76	17	79	78	78
Miami AP (S)	25	5	80	2	7	44	47	91/77	90/77	89/77	15	79	79	78
Miami Beach CO	25	5	80	1	9	45	48	90/77	89/77	88/77	10	79	79	78
Ocala	29	1	82	1	86	31	34	95/77	93/77	92/76	18	80	79	78
Orlando AP	28	3	81	2	106r	35	38	94/76	93/76	91/76	17	79	78	78
Panama City, Tyndall AFB	30	0	85	4	22	29	33	92/78	90/77	89/77	14	81	80	79
Pensacola CO	30	3	87	1	13	25	29	94/77	93/77	91/77	14	80	79	79
St. Augustine	29	5	81	2	15	31	35	92/78	89/78	87/78	16	80	79	79
St. Petersburg	28	0	82	4	35	36	40	92/77	91/77	90/76	16	79	79	78
Sanford	28	5	81	2	14	35	38	94/76	93/76	91/76	17	79	78	78
Sarasota	27	2	82	3	30	39	42	93/77	92/77	90/76	17	79	79	78
Tallahassee AP (S)	30	2	84	2	58	27	30	94/77	92/76	90/76	19	79	78	78
Tampa AP (S)	28	0	82	3	19	36	40	92/77	91/77	90/76	17	79	79	78
West Palm Beach AP	26	4	80	1	15	41	45	92/78	91/78	90/78	16	80	79	79
GEORGIA														
Albany, Turner AFB	31	3	84	1	224	25	29	97/77	95/76	93/76	20	80	79	78
Americus	32	0	84	2	476	21	25	97/77	94/76	92/75	20	79	78	77
Athens	34	0	83	2	700	18	22	94/74	92/74	90/74	21	78	77	76
Atlanta AP (S)	33	4	84	3	1005	17	22	94/74	92/74	90/73	19	77	76	75
Augusta AP	33	2	82	0	143	20	23	97/77	95/76	93/76	19	80	79	78
Brunswick	31	1	81	3	14	29	32	92/78	89/78	87/78	18	80	79	79
Columbus, Lawson AFB	32	3	85	0	242	21	24	95/76	93/76	91/75	21	79	78	77
Dalton	34	5	85	0	720	17	22	94/76	93/76	91/76	22	79	78	77
Dublin	32	3	83	0	215	21	25	96/77	93/76	91/75	20	79	78	77
Gainesville	34	2	83	5	1254	16	21	93/74	91/74	89/73	21	77	76	75
Griffin (S)	33	1	84	2	980	18	22	93/76	90/75	88/74	21	78	77	76
La Grange	33	0	85	0	715	19	23	94/76	91/75	89/74	21	78	77	76
Macon AP	32	4	83	4	356	21	25	96/77	93/76	91/75	22	79	78	77
Marietta, Dobbins AFB	34	0	84	3	1016	17	21	94/74	92/74	90/74	21	78	77	76
Moultrie	31	1	83	4	340	27	30	97/77	95/77	92/76	20	80	79	78
Rome AP	34	2	85	1	637	17	22	94/76	93/76	91/76	23	79	78	77
Savannah-Travis AP	32	1	81	1	52	24	27	96/77	93/77	91/77	20	80	79	78
Valdosta-Moody AFB	31	0	83	1	239	28	31	96/77	94/77	92/76	20	80	79	78
Waycross	31	2	82	2	140	26	29	96/77	94/77	91/76	20	80	79	78
HAWAII														
Hilo AP (S)	19	4	155	1	31	61	62	84/73	83/72	82/72	15	75	74	74
Honolulu AP	21	2	158	0	7	62	63	87/73	86/73	85/72	12	76	75	74
Kaneohe Bay MCAS	21	2	157	5	18	65	66	85/75	84/74	83/74	12	76	76	75
Wahiawa	21	3	158	0	900	58	59	86/73	85/72	84/72	14	75	74	73
IDAHO														
Boise AP(S)	43	3	116	1	2842	3	10	96/65	94/64	91/64	31	68	66	65
Burley	42	3	113	5	4180	-3	2	99/62	95/61	92/66	35	64	63	61
Coeur d'Alene AP	47	5	116	5	2973	-8	-1	89/62	86/61	83/60	31	64	63	61
Idaho Falls AP	43	3	112	0	4730r	-11	-6	89/61	87/61	84/59	38	65	63	61
Lewiston AP	46	2	117	0	1413	-1	6	96/65	93/64	90/63	32	67	66	64
Moscow	46	4	117	0	2660	-7	0	90/63	87/62	84/61	32	65	64	62
Mountain Home AFB	43	0	115	5	2992	6	12	99/64	97/63	94/62	36	66	65	63
Pocatello AP	43	0	112	4	4444	-8	-1	94/61	91/60	89/59	35	64	63	61
Twin Falls AP (S)	42	3	114	3	4148	-3	2	99/62	95/61	92/60	34	64	63	61

IDAHO

MONTHLY AND ANNUAL HEATING DEGREE DAY NORMALS

STATION	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	ANNUAL
ABERDEEN EXP STATION	14	44	242	567	815	1221	1355	1047	842	612	382	181	7482
AMERICAN FALLS 1 SW	0	23	178	486	855	1141	1288	886	888	576	335	145	6802
ANDERSON DAM	0	12	143	408	783	1082	1203	863	880	540	284	121	6430
ARROWROCK DAM	0	14	150	460	818	1081	1215	835	837	525	288	117	6451
ASHTON 1 S	70	123	338	638	1035	1358	1460	1187	1168	728	434	251	6783
AVERY R S NO 2	36	58	211	515	870	1088	1163	888	858	573	333	153	6758
BLACKFOOT 2 SSW	7	23	200	487	878	1187	1280	994	883	548	298	118	6822
BLISS	0	13	139	411	765	1045	1144	874	775	474	242	88	5979
BOISE USB	0	12	127	406	756	1020	1116	826	741	480	252	97	5835
BONNERS FERRY 1 SW	31	71	253	588	818	1125	1240	848	877	558	323	148	7081
BURLEY FAA AIRPORT	0	28	204	505	834	1107	1221	927	858	573	331	141	6731
CALDWELL	8	28	150	440	765	1011	1107	804	681	420	217	95	5738
CAMBRIDGE	12	25	184	512	855	1156	1318	1005	840	504	279	118	6808
CASCADE 1 NW	85	135	354	657	983	1287	1388	1128	1084	758	518	323	8720
CHALLIS	27	68	237	558	848	1305	1407	1072	870	621	381	187	7781
CHILLY BARTON FLAT	157	223	438	747	1118	1488	1603	1281	1208	816	561	351	10000
CHEUR D'ALENE 1 E	18	44	182	502	825	1042	1166	886	858	584	316	142	6584
CONDA	86	118	350	670	1050	1352	1451	1212	1206	804	521	312	8132
COUNCIL	0	25	183	474	831	1128	1246	866	853	518	283	122	6610
DEADWOOD DAM	180	202	405	704	1044	1376	1454	1173	1178	864	614	381	9555
DEER FLAT DAM	0	12	137	428	753	1001	1110	818	707	436	230	78	5708
DRIGGS	81	113	348	660	1065	1367	1478	1207	1187	788	524	305	8123
DUBBIS EXP STATION	20	48	258	588	1020	1342	1457	1180	1150	705	418	216	6424
EMMETT 2 E	0	18	135	412	750	995	1094	804	681	423	216	84	5623
FERN RANGER STATION	5	18	167	481	788	1020	1116	832	775	488	283	105	6080
FORT HALL INDIAN AGENCY	0	26	183	505	882	1184	1280	884	811	588	333	138	7044
GARDEN VALLEY RS	18	30	181	508	878	1183	1248	848	862	581	320	145	6883
GLENN'S FERRY	0	15	127	380	728	883	1070	788	688	411	187	81	5488
GRACE	47	84	288	611	987	1302	1411	1162	1107	717	480	292	8418
GRAND VIEW 2 W	0	11	124	403	753	1017	1094	780	685	385	172	63	5507
GRANGEVILLE	55	108	261	555	858	1086	1158	802	883	633	428	231	7146
HAILEY RANGER STATION	34	75	258	570	888	1314	1423	1137	1078	681	418	225	8184
HAZELTON	7	22	185	455	804	1078	1187	888	818	522	286	108	6353
HILL CITY	46	88	310	638	1005	1358	1504	1226	1178	738	468	288	8830
HOLLISTER	8	36	207	484	822	1076	1188	810	877	581	382	183	6725
IDAH0 CITY	45	81	288	587	908	1190	1286	1025	873	651	412	218	7643
IDAH0 FALLS FAA AP	10	47	252	580	963	1302	1428	1117	1008	633	371	176	7888
IDAH0 FALLS 46 W	21	67	283	651	1053	1407	1507	1210	1104	680	412	204	8618
ISLAND PARK DAM	147	187	441	786	1181	1487	1603	1330	1342	821	614	375	10384
JEROME	0	18	148	435	782	1078	1181	804	815	504	274	106	6256
KELLOGG	34	76	222	533	848	1073	1181	886	858	573	338	163	6788
KROSKIA	0	24	147	443	780	982	1088	778	704	447	235	82	5730
LUNA 2 NNE	8	28	186	440	768	1020	1116	828	735	471	267	105	5948
LEWISTON USB	0	17	124	409	735	936	1048	753	685	441	232	84	5464
LIFTON PUMPING STATION	21	72	315	657	1014	1327	1466	1266	1218	785	440	213	8778
LOWMAN 3 E NO 2	87	102	291	586	838	1218	1286	987	846	638	412	227	7720
MACRAY RANGER STATION	45	81	284	614	1020	1392	1485	1180	1113	717	465	245	8881
MAIAD	0	18	188	483	878	1184	1283	1028	824	578	330	147	7081
MAY RANGER STATION	54	88	304	611	1005	1358	1463	1117	1011	675	431	238	8367
MC CALL	86	162	372	676	1014	1286	1411	1156	1163	840	561	330	9077
MONTPELIER RANGER STA	46	84	312	654	1032	1348	1457	1228	1184	758	465	254	8825
MOSCOW U OF I	44	80	288	483	813	1038	1150	855	822	561	357	182	8614
MOUNTAIN HOME	0	20	152	420	768	1028	1125	851	772	483	262	87	5878
NEW PEADONS RANGER STA	80	154	372	685	980	1308	1428	1123	1078	720	480	278	8718
NEZPERCE	88	97	262	561	873	1088	1200	921	888	630	415	236	7250
BARLEY	8	28	178	450	786	1051	1144	888	840	561	340	153	6428
BROFING	0	13	118	425	744	961	1057	758	681	414	200	71	5454
PARMA EXPERIMENT STA	7	18	151	456	783	1035	1144	837	718	441	236	101	5828
PAUL 1 ENE	8	40	218	518	843	1107	1231	952	877	582	338	152	6867
PAYETTE	0	7	128	428	774	1032	1141	840	681	414	188	84	5717
PIERCE	83	133	332	654	966	1218	1321	1033	1020	738	470	248	8218
POCATELLO USB	0	20	182	515	878	1181	1296	987	818	581	338	138	7063
PORTHILL	38	81	273	617	827	1150	1277	884	821	578	328	158	7338
POTLATCH 3 NNE	57	88	258	533	816	1026	1135	860	840	578	377	200	8785
PRESTON 3 NE	8	27	208	521	881	1208	1336	1084	952	600	343	184	7324
PRIEST RIVER EXP STA	88	117	303	636	957	1188	1280	1000	858	654	400	217	7755
RICHFIELD	20	86	231	546	903	1221	1355	1075	864	618	368	178	7548
RIGGINS RANGER STATION	0	7	82	316	848	877	961	700	626	372	189	61	4848
ST ANTHONY 1 NW	87	81	288	582	881	1311	1435	1156	1081	675	388	206	8311
SAINT MARIES	40	77	222	521	840	1057	1163	876	840	564	333	155	6888
SALMON 1 N	18	62	288	605	848	1318	1432	1064	933	594	356	188	7788
SANDPOINT EXP STATION	52	87	277	588	887	1113	1218	946	808	600	363	181	7250
SHOSHONE 1 NW	6	36	165	468	831	1156	1271	883	874	574	282	127	6733
STREVELL	10	34	227	546	821	1203	1288	1036	964	651	404	205	7500
SUGAR	62	83	288	617	980	1324	1448	1156	1076	660	402	204	8320

M E M O R A N D U M

DATE: September 10, 1998

TO: File 47-07520

FROM: Kari Lynn Townsend

RE: Telephone Conversation

=====

Jim Stanton called on 9-9-98 to inquire about the necessity for a Notice of Change of Water Right Ownership action for this right. He told me that it was an ownership change within a subdivision but that the water right was issued to an individual who was providing water for the subdivision.

I told Jim that unless the right holder was selling his interest in the right an ownership change was not required.

After the phone conversation, I took the file to Jim Johnson and after reviewing the file he called Jim Stanton and confirmed that an ownership was not required.

This right is still in the permit stage and would require an Assignment of Permit if ownership of the permit were to change.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

RECEIVED

AUG 31 1998

Department of Water Resources

August 28, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Shelly Dannenhauer
21391 Highway 30 W
Twin Falls, ID 83301

Dear Ms. Dannenhauer:

Pursuant to our telephone conversation, I have enclosed copies of recent correspondence relating to water right permit 47-07520 and the licensing of this particular water right.

Shelley Keen, Water Rights Supervisor, from our state office in Boise has been in contact with Ray Depew, the holder of permit 47-07520, and Charles Hill, owner of one of the lots under this permit. Mr. Keen was prepared to issue the license for right 47-07520 earlier this year, but Mr. Depew and Mr. Hill disputed the recommended authorized diversion amount(s). In June, Mr. Keen met with Mr. Depew and Mr. Hill and discussed the issuance of the license for water right 47-07520. Apparently, it was agreed upon to conduct another beneficial use field examination this winter, when peak demand for the water under right 47-07520 should occur.

As we discussed during our telephone conversation, since your parents own a portion of Lot 12, which is one of the lots covered under 47-07520, they have a portion of water right 47-07520. In Idaho, established water rights are typically viewed as an appurtenant piece of the property. However, the Department can not identify the specific amount of water that your parents own under right 47-07520 until it is licensed and a total diversion rate under right 47-07520 is established, or if the permit holder (Ray Depew) officially assigns your parents a specific amount of water by assignment of a portion of the water right permit. For this reason, and as we discussed during our telephone conversation, I am returning the Notice of Change of Water Right Ownership that you recently submitted on your parent's behalf. I have also enclosed an Assignment of Permit form for your reference and your parent's possible use.

August 28, 1998
PAGE 2

It appears that you, or your parents, can pursue a possible assignment of a specific portion of the permit by Mr. Depew, or wait until right 47-07520 is licensed and then pursue an ownership change of a portion of the license, if you desire a portion of water right 47-07520 to be recorded in your parent's name. Both of these options have possible advantages and disadvantages, and should be considered carefully. It should be noted that when Mr. Keen, Mr. Depew, and Mr. Hill met earlier this year, the possibility of Mr. Depew assigning water right 47-07520 over to a homeowner's association, or some sort of similar entity, was discussed. This is another option, with advantages and disadvantages, that should be considered by you, or your parents.

By copy of this letter, I am informing Shelley Keen of your potential involvement in water right 47-07520 and its future licensing. I am also sending Mr. Keen some copies of some of the documents that you have provided me regarding your parent's property.

If you have any questions, or need any further assistance, feel free to contact me, or Shelley Keen in our state office (telephone 208-327-7946).

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner", written in a cursive style.

Corey Skinner, EIT
Dam Safety Section

Enclosures

cc: Shelley Keen (IDWR State Office)

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

COPY

ORIGINAL SENT BACK TO
SHELLY DANNENHAUER
ON 08/28/98 P.S.

1. Water Right Number(s) ~~47-7520~~ #47-7520

Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Michael E. McIntosh and Betty Jean McIntosh

896 East 2700 South, Hagerman, ID 83332

4. New Owner/Claimant(s) Calvin M. Dyer and Ruth Dyer

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address 5479 Kile Road, Lodi, CA 95242

City, State and ZIP Code _____

New Telephone Number (209) 794-2486

5. Date you acquired the property October 17, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. 1/10 (10%) PORTION OF 47-07520 (LOT 12)

Number of acres actually irrigated _____

Number and type of stock no

Diversion rate in CFS 10% OF TOTAL FLOW UNDER 47-07520
cubic feet per second

Number of homes 1

Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)

Shelia Yvonne Dannenhauer
(a Hacked Power of Attorney)

Date

8/21/98

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

This map is given for informational purposes only - no assurances are made as to the actual footages and boundaries reflected herein.

First American Title



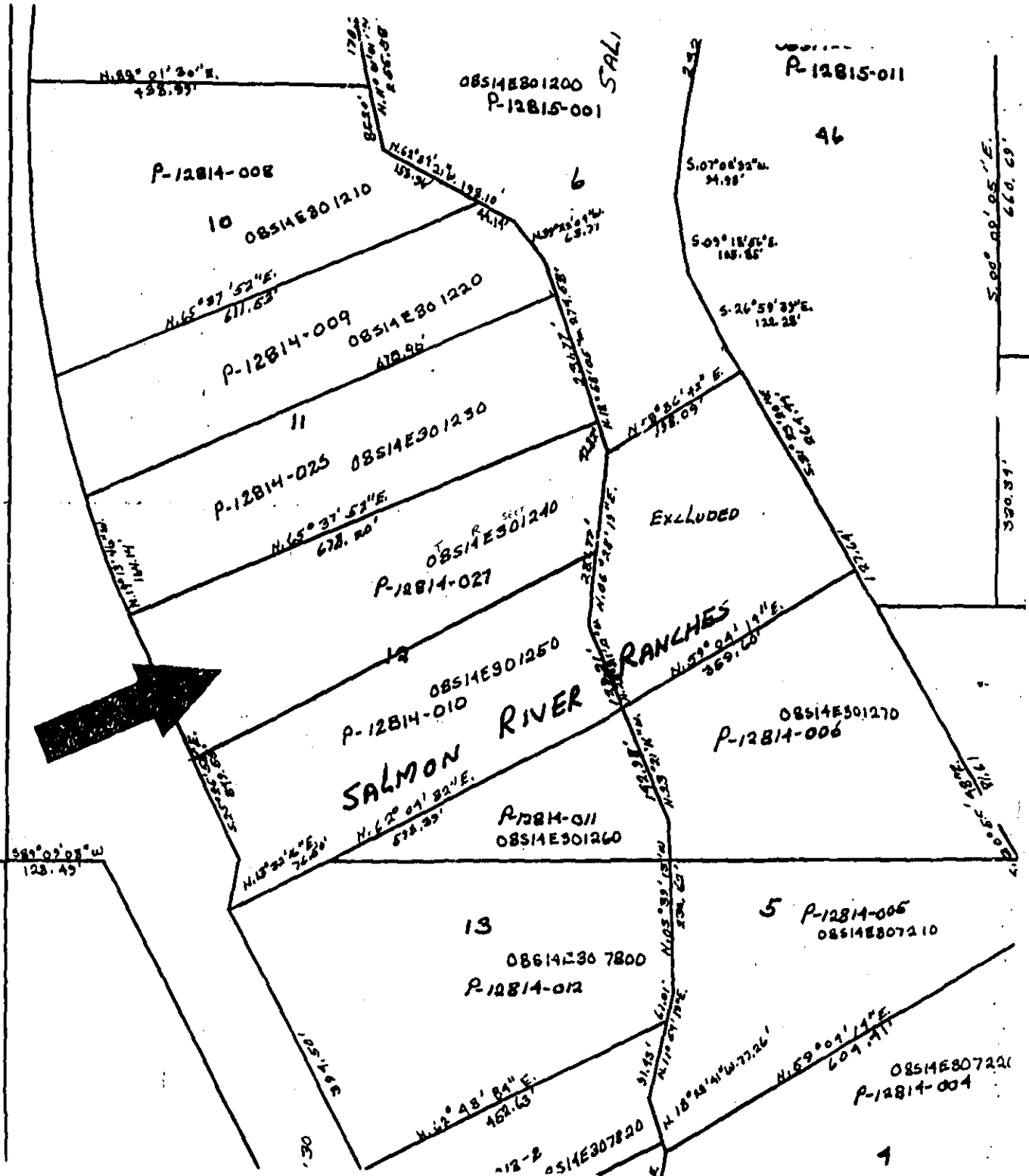
RECEIVED

MAR 11 1998

Department of the Interior

ORIGINAL SENT BACK TO
SALLY DANENHAUER
ON 08/28/98 (D.S.)

COPY



POWER OF ATTORNEY

COPY RECEIVED
MAR 11 1998
ORIGINAL SENT BACK TO
SHELLY DANNEBAUM
ON 08/28/98
via: resources
Southern Region

KNOW ALL MEN BY THESE PRESENTS:

That I, Calvin M. Dyer & Ruth Dyer
of the City of Lodi, California, County of San Joaquin
State of Idaho, have made, constituted and appointed, and by these presents do make, constitute and appoint

Sheila Yvonne Dannenhauer
my true and lawful attorney for me in my name, place and stead, and for my use and benefit, to ask, demand, sue for, recover, collect and receive all such sums of money, debts, dues, accounts, legacies, bequests, interests, dividends, annuities and demands whatsoever as are now, or shall hereafter become, due, owing, payable or belonging to me, and have, use and take all lawful ways and means in my name or otherwise for the recovery thereof, by attachments, arrests or otherwise, and to compromise and agree for the same, and acquittances, or other sufficient discharges for the same, for me, and in my name, to make, seal and deliver; to bargain, contract, agree for, purchase, receive and take lands, tenements, hereditaments and accept seizin and possession of all lands and all deeds and other assurances, in the law therefor, to lease, let, demise, bargain, sell, remise, release, convey, mortgage and hypothecate lands, tenements and hereditaments, upon such terms and conditions, and under such covenants as he shall think fit. Also to bargain and agree for, buy, sell, mortgage, hypothecate and in any and every way and manner do in and with goods, wares and merchandise, chosen action and other property in possession or in action, to make, do and transact all and every kind of business of what nature or kind soever, and also for me and in my name, and as my act and deed, to sign, seal, execute, deliver and acknowledge such deeds, leases and assignments of leases, covenants, indentures, agreements, mortgages, hypothecations, bills of lading, bills, bonds, notes, receipts, evidences of debt, releases and satisfactions of mortgages, judgments and other debts, and such other instruments in writing of whatever kind and nature that may be necessary or proper in the premises.

Giving and Granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that my said attorney, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of these presents.

WITNESS my hand this 6th day of October, 1997.
Calvin M. Dyer Mrs. Ruth Dyer

STATE OF IDAHO
County of

Twin Falls

ss:

On this 6th day of October, 1997, before me, the undersigned, a notary public

and for said State, personally appeared Calvin M. Dyer & Ruth Dyer, known to me to be the person whose name is subscribed to the within and foregoing 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.

(Seal)

[Signature]
Notary Public for State of Idaho

Residing at Twin Falls, Idaho, therein.
E. D. [Signature] 10

RECORDED @ TWIN FALLS
COUNTY COURTHOUSE ON
10/17/97

4 DEPUTY

QUITCLAIM DEED

COPY
ORIGINAL SENT TO
SHELLY DANNENHAUER
ON 08/28/98
(15-

For Value Received

Michael E. McIntosh and Betty Jean McIntosh, husband and wife
do hereby convey, release, remise and forever quit claim unto

Calvin M. Dyer and Ruth Dyer, husband and wife

whose address is: 5479 Kile Road
Lodi, CA 95242

the following described premises situated in Twin Falls County, Idaho, to-wit:

Idaho Department of Water Resources Water Right A47-02159N and a
portion of water permit #47-7520 in the recommended amount of 7.3
gallons per minute.

Said water rights are attached to the property described on EXHIBIT A
attached hereto and made a part hereof.

together with their appurtenances.

Dated: October 16, 1997


Michael E. McIntosh


Betty Jean McIntosh

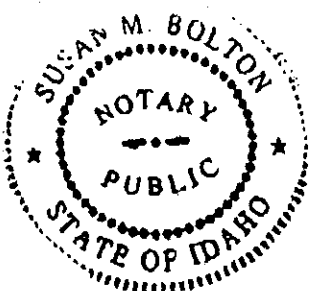
STATE OF IDAHO

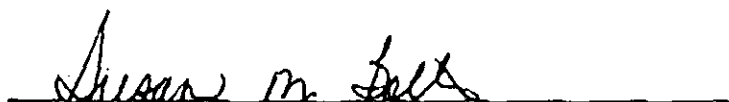
COUNTY OF TWIN FALLS GOODING pb

)
: ss
)

On this 16th of October, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael E. McIntosh and Betty Jean McIntosh, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.




Notary Public
Residing at: Gooding
My commission expires: 10/16/98

ATT. VERA D O S. 1-2-2

RECEIVED

APR 15 1998

Department of Water Resource
Southern Region

EXHIBIT A

A parcel of land located in the E $\frac{1}{4}$ of Section 30, Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho and being part of Lot 12 of the Salmon River Ranches Amended as shown on the survey plat recorded September 19, 1977 as Instrument No. 722446, Records of Twin Falls County, Idaho described as follows:

COMMENCING at the southeast corner of said E $\frac{1}{4}$ SE $\frac{1}{4}$; Thence South 89°11'26" West 1038.76 feet to a projection of the easterly right of way boundary of U.S. Highway 30; Thence North 27°16'27" West 2850.73 feet along said easterly right of way boundary and its projection; Thence North 13°32'16" East 76.50 feet along said easterly right of way boundary; Thence North 25°25'58" West 146.55 feet along said easterly right of way boundary to THE TRUE POINT OF BEGINNING; Thence North 25°25'58" West 203.00 feet along said easterly right of way boundary; Thence North 65°37'52" East 678.21 feet to the center of Salmon Falls Creek; Thence South 18°58'05" East 42.82 feet along the center of Salmon Falls Creek; Thence South 61°28'19" West 143.55 feet along the center of Salmon Falls Creek; Thence South 62°04'32" West 597.97 feet to THE TRUE POINT OF BEGINNING.

The above described parcel contains 2.71 acres more or less and includes a 50.00 foot wide access road right of way as shown on page 28, page 1750 of the Miscellaneous Records of Idaho, and also includes use of an easement for a 50.00 foot wide strip of land adjacent to the right of way boundary across the southerly portion of

COPY

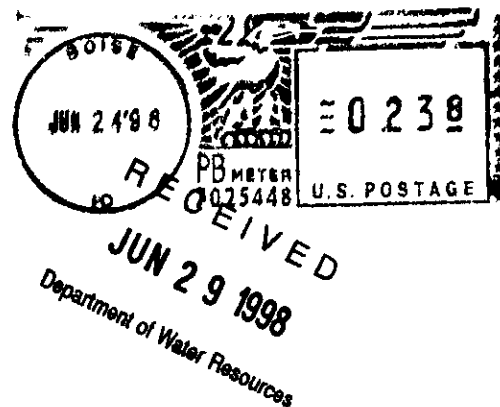
ORIGINAL SENT BACK TO
SHELLEY DANJENHAVER
ON 08/28/98 P.S.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
North Orchard Street
Boise, Idaho 83706-2237

6.30.98
WR 2 database
updated - Ref

RETURN SERVICE
REQUESTED

PRESORTED
FIRST CLASS



DEPE649 633552015 1797 05 06/26/98
RETURN TO SENDER
DEPTEN'RAY 05
BOISE ID 83706
HAGERMAN ID 83332-5615

83355X3008 01
83706/2237





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY DEPEW
2849 S 1600 E
WENDELL ID 83355

RE: Field examination for permit 47-07520

Dear Mr. Depew:

I appreciated the opportunity to discuss issues related to the licensing of your water right. I have presented the idea of a second field examination to the administrator of the Water Management Division, and he concurs with the approach as long as we comply with Beneficial Use Rule 50.01.e., which requires another examination fee. As soon as you submit the \$125.00 examination fee, payable to Idaho Dept. of Water Resources, I will ask our regional office in Twin Falls to schedule an examination for January or February of 1999.

In the meantime, I recommend that you, Charles Hill, and the other parcel owners do as much as possible to prepare for the examination. As we discussed, it appears from the photographs of your well that it discharges into a straight section of pipe onto which an ultrasonic flow meter could be attached. Ideally, the flow meter should be attached to a straight section of pipe at least ten pipe diameters in length. If the discharge pipe is six inches in diameter, we need sixty inches of straight pipe for installation of the flow meter. Ensuring that a proper length of pipe is available will satisfy condition no. 1 of your permit, which requires you to "provide for the installation of measuring equipment and the determination of the rate of diversion by the Department."

I also recommend locating each point where you discharge water into the creek and determining if it is possible to make some kind of measurement at those points. For instance, small flows can be fairly accurately measured with a five-gallon bucket and a stopwatch. Our field examiner will also want to know how your summertime use compares to your wintertime use. I recommend keeping some kind of record of how you use water in the summertime so you can show it to the examiner.

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

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

C: Charles Hill

June 17, 1998

RECEIVED

JUN 18 1998

Department of Water Resources

Mr. Shelley Walter Keen
Water Rights Supervisor
State of Idaho
Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720

RE: Water Right No. 47-07520

Dear Mr. Keen:

Thanks for meeting with me and Ray Depew yesterday. I feel we now all have a much better understanding of the situation, and am reassured that Lot #2 has replaced Lot #18 on the Permit and will be on the License when it is issued.

We appreciate your recommendation that the Department postpone issuing the Water Right License until a field inspection and flow rate measurement can be made during the next maximum heating usage period, i.e. January or February of 1999. This will provide the facts from which the maximum volume can be determined.

Ray and I have discussed the matter of how the Water Right License should be held when issued. We recognize that from the standpoint of the Department, you would prefer to issue it to an entity, such as a water-users' association. However, given the diverse geographical locations of the property owners, the personalities involved and the different motivations, it may not be possible to form such a group. In any event, I will take it upon myself to contact the persons and entities involved and attempt to come up with a recommendation to the Department prior to your field inspection.

Thanks again, Shelley, for your time, effort and understanding in this matter. My home phone is not listed, but please do not hesitate to call me should the need arise.



Charles A. Hill
RR 3 Box 400
Buhl, ID 83316

Tel: 208/543-6081

CC: Ray Depew

MEMORANDUM

DATE: June 16, 1998

TO: Norm Young

FROM: Shelley W. Keen

RE: Licensing of 47-07520

Last March you asked me to show the draft of license 47-07520 to the permit holder before the license is issued. Today Ray Depew (208-837-9182), the permit holder, and Charles Hill (208-543-6081), one of the lot owners, met with me to discuss the draft license.

The main issue is that the draft license is not based on any real usage data. At the time of the field examination in 1992 there was virtually no beneficial use of water. The draft license is based on the concept that credit can be given for ten stubbed-in lots in the subdivision. To calculate a "reasonable" beneficial use amount, the examiner projected that the development would consist of 2500 sq. ft. homes with 500 sq. ft. garages. Mr. Hill and Mr. Depew told me that there are now four homes on the system. Some of the homes are larger than 2500 sq. ft., and some apparently have large heated shops. At least one home, Mr. Hill's, has a heated therapeutic pool used to treat his wife's illness. The system has no measuring device. Water is discharged into Salmon Falls Creek. Because their existing development appears to exceed the field examiner's estimates, Mr. Depew and Mr. Hill are concerned that the proposed license will be inadequate for ten homes.

I explained to Mr. Hill and Mr. Depew that IDWR is at some risk allowing significant additional development in the Banbury Hot Springs Ground Water Management Area. Mr. Hill explained that the lot owners have paid a premium for their lots and are counting on their ability to develop and use geothermal water. After some discussion, Mr. Depew, Mr. Hill, and I decided to pursue another field examination to collect some real data. The well pump discharges into a length of straight pipe that looks like a good spot for an ultrasonic flow meter. Measurements could probably also be taken at the points where water is discharged to the creek. Because January and February are the peak use months, measurements should be made then. Once we have measurements for the current use, we should be able to better project the total use when development is complete. Mr. Hill and Mr. Depew indicated they would pay another examination fee if you require it.

I also discussed ownership of the right with Mr. Depew and Mr. Hill. From our discussion, I believe they are going to look into assigning the permit to a homeowners' association or some similar entity.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY DEPEW
2849 S 1600 E
WENDELL ID 83355

RE: Water Right No. 47-07520

Dear Mr. Depew:

In response to my March 24, 1998, letter, you indicated to me that you wish to submit some additional information that you feel should be considered in the license issued for the beneficial use of water developed under permit 47-07520. IDWR is willing to review any information you submit, but we would also like to avoid any unnecessary delay in issuing your water right license.

Please submit your information, or a written request for additional time, within 30 days from today. If I do not receive anything from you within that time, your water right license will be issued without the benefit of the information you wish to provide.

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

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

MEMORANDUM

DATE: April 3, 1998

TO: Water Right File 47-07520

FROM: Shelley W. Keen 

RE: Response to my 3/24/98 letter

This afternoon Ray DePew called in to discuss the proposed license for right 47-07520. He wants to provide some calculations to show what he thinks the rate and volume per lot should be. We agreed that he would submit his calculations to me within three weeks.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 24, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GLEN DEPEW
RAY DEPEW
2849 S 1600 E
WENDELL ID 83355

RE: Water Right No. 47-07520

Dear Water Right Holders:

The Dept. of Water Resources (IDWR) is preparing to issue a water right license for the beneficial use of water you developed under water appropriation permit 47-07520. The issuance of a Water Right License is the final step in the water appropriation process. By issuing a license, IDWR recognizes that you have met all the requirements for establishing a water right.

A water right license is supposed to confirm the extent of beneficial use developed at the time proof of beneficial use is submitted for a particular permit. You submitted a proof of beneficial use statement for permit 47-07520 in May of 1989. As a practical matter, the license generally reflects the beneficial use evident at the time of the field inspection, which occurs some period of time after the proof of beneficial use statement was submitted. In the case of subdivisions, an exception is made to recognize the fact that it often takes many years for lots to sell and homes to be built. For a subdivision, IDWR will issue a license recognizing beneficial use for the number of homes capable of being served by the diversion and delivery system in place at the time of the field examination, regardless of the number of homes actually connected. In other words, the examiner can recommend issuing a license for homes on bare lots, so long as those lots are stubbed in and the existing well pump is capable of providing water to them. The exception eliminates the need for each homeowner to file for a new water right as his or her home is being constructed.

The field examination to confirm development under your permit was conducted on December 2, 1992. The enclosed form is a draft of the license based on the examiner's findings. If you have any questions or comments about the proposed license, please contact me within fourteen days. If I do not hear from you within that time, the license will be issued as drafted.

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

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosure

KANAMELTRSDEPEW.DOC

M E M O R A N D U M

DATE: March 17, 1998

TO: File 47-07520

FROM: Kari Lynn Townsend

RE: Returned Mail

=====

Shelley's letter of March 3, 1998 was returned by the postoffice for an address correction.

I found a phone number (208-774-2245) in the WR2 database and called and left a message for Glen Depew to call us regarding his water right license.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street
Boise, Idaho 83706-2237

ADDRESS SERVICE
REQUESTED

NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

PRESORTED
FIRST CLASS



RECEIVED
MAR 16 1998
Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 3, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GLEN DEPEW
RAY DEPEW
HC 64 BOX 9385
KETCHUM ID 83340

RE: Water Right No. 47-07520

Dear Water Right Holders:

The Dept. of Water Resources (IDWR) is preparing to issue a water right license for the beneficial use of water you developed under water appropriation permit 47-07520. The issuance of a Water Right License is the final step in the water appropriation process. By issuing a license, IDWR recognizes that you have met all the requirements for establishing a water right.

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

Respectfully,

Shelley Walter Keen
Water Rights Supervisor

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 3, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GLEN DEPEW
RAY DEPEW
HC 64 BOX 9385
KETCHUM ID 83340

RE: Water Right No. 47-07520

Dear Water Right Holders:

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

Respectfully,

Shelley Water Keen
Water Rights Supervisor

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO. L47-07520

GLEN DEPEW
HC64 BOX 9385
KETCHUM ID 83340

DRAFT

Priority Date: 04/25/1979
Stage: LICENSE

RAY DEPEW
RT 2 BOX 115A
WENDELL ID 83355

Source: GROUNDWATER

Beneficial Use	From:	To:	Diversion Rate	Volume
HEATING	01-01	12-31	0.16 CFS	34.70 AFA
	Total:		0.16 CFS	34.70 AFA

Point(s) of Diversion: NWSE, Sec. 30, Township 08S, Range 14E

Place(s) of Use: HEATING

Twp:	Rng:	Sec:	Tract:	Acres:	Tract:	Acres:	Tract:	Acres:
08S	14E	30	SWNE		NESE		NWSE	

Conditions of Approval and Remarks:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
6. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
7. The place of use is located within Lots 3, 11, 12, 14 and 18 of the Salmon River Ranches Subdivision.
8. Heating use is for 10 homes.

Dates:	App. Received:	04/25/1979	Proof Due Date:	06/01/1989
	Proof Made Date:	05/16/1989	Exam Made Date:	12/02/1992

MEMORANDUM

TO: FILE 47-07520
FROM: BRENDA CHAPMAN *BC*
RE: GENERAL REVIEW OF HEATING USE REQUIREMENTS
DATE: 07/20/94

RATE OF FLOW AND ANNUAL VOLUME FOR HEATING USE

GIVEN:

Geothermal Source Temperature	=	158 Degrees
Area of Floor Space for 10 homes	=	30000 Square Feet
Temperature Outside	=	-4 Degrees
Temperature Inside	=	70 Degrees
Building Efficiency	=	0.44 *
Temperature Required	=	70 Degrees
Days per year temp below 70 Degree=		212 Days
Hours per day temp below 70 Degree=		12 Hours

CALCULATIONS:

Single Floor System Heat Load =	=976,800 btu/hr
Two Floor System Heat Load	=781,440 btu/hr
Temp. Drop Across System	= 26.4 deg

FLOW RATE;

Single Floor Flow Rate	= 74 gpm
	= 0.16 cfs
Two Floor Flow Rate	= 59 gpm
	= 0.13 cfs

VOLUME;

Single Floor Annual Volume	= 34.7 Acre feet
Two Floor Annual Volume	= 27.7 Acre-feet

MISCELLANEOUS INFORMATION:

- * 0.28 Best energy efficiency **
- 0.44 Good energy efficiency
- 0.67 Average energy efficiency
- 1.11 Poor energy efficiency

January 29, 1991

RE: Permit No. 47-07520

Ray Depew
Glen Depew
Rt. 2 Box 115A
Wendell, ID 83355

Dear Water Right Holder(s):

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

If you have any questions concerning this document, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

FEB 07 1991

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 47-07520

Notice is hereby given that Ray &/or Glen Depew are the holders of Approved Permit No. 47-07520 authorizing the diversion of 2.0 cubic feet per second of water from groundwater in the NW1/4SE1/4, S30, T8S, R14E, County of Twin Falls to be used for Heating within SW1/4NE1/4, NE1/4SE1/4, NW1/4SE1/4, SE1/4SE1/4, S30, T8S, R14E.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to change the Place of Use as follows:

Amount: 2.0 cfs

Period of Use: 1/1 to 12/31

Point of Diversion: NW1/4SE1/4, S30, T8S, R14E; Twin Falls County.

Place of Use: SW1/4NE1/4, N1/2SE1/4, S30, T8S, R14E.

Any protest against approval of the amending of Permit No. 47-07520 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before December 10, 1990.

R. Keith Higginson, Director

Published in the Times News on 11/22 & 11/29/90.

MICROFILMED

FEB 07 1991

14-Nov-1990

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

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 required publication dates. If time allows, please submit 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.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED

FEB 07 1991

14-Nov-1990

RAY &/OR GLEN DEPEW
RT 2 BOX 115 A
WENDELL ID 83355

Re: Application for Amendment, 47-07520

Gentlemen:

The Department of Water Resources acknowledges receipt of your application for amendment of a permit.

This office will be advertising the application in the Times News on 11/22 & 11/29/90. A period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineering Specialist

DJ:MB

13-Jul-1989

Ray & Glen Depew
2329 S 2200 E.
Wendell, Idaho 83355

Permit No. 47-07520

Dear Mr. Depew,

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

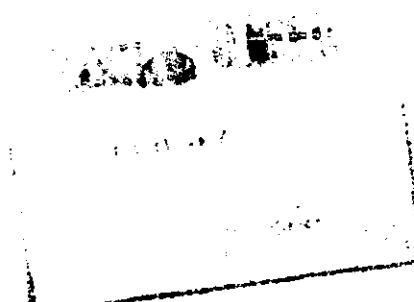
Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examination, please contact our office.

Very truly yours,

Lloyd Payne
Clerk

Encl:



March 31, 1989

RAY DEPEW
GLEN DEPEW
RT. 2 BOX 115A
WENDELL, ID 833550000

(3808)

PROOF DUE NOTICE

RE: PERMIT NO. 47-07520

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1989. (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,

Rita Fleck
Secretary/Records Manager

Enclosures

MAIL ROOM

JUL 17 1989

March 7, 1988

Ray and Glen Depew
Rt. 2 Box 115A
Wendell, ID 83355

Gentlemen:

Re: Permit No. 47-7520

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to June 1, 1989.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

c: Terry Uhling

INTROFILMED

APR 04 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

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

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
JAMES C. TUCKER
TERRY T. UHLING
TERRY R. McDANIEL
F. BRUCE COVINGTON
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
VICKI L. YRAZABAL
BRUCE M. SMITH
G. RICHARD BEVAN

Boise Office
1020 MAIN ST., SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

RECEIVED
FEB 24 1988

February 18, 1988

Department of Water Resources

Attn: Rita Fleck
State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

RE: Permit No. 47-7520 (Depew)

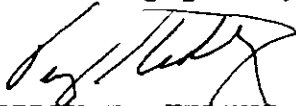
Dear Rita:

This will conform to writing your telephone conversation with this office that the Department of Water Resources is in receipt of the Request for Extension of Time to File Proof of Beneficial Use in regard to Permit No. 47-7520 in the name of Ray Depew and Glen Depew. The proof due notice received from the Department required that proof be submitted on or before March 1, 1988.

It is my understanding that the Depew's will not be required to file their proof of beneficial use for Permit No. 47-7520 prior to the March 1, 1988, deadline until the Department has had the opportunity to consider their request for Extension of time.

If you have any questions in regard to the above, please give me a call.

Sincerely yours,


TERRY T. UHLING

TTU/crh
cc: Ray & Glen Depew
75991

RECEIVED

APR 04 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 1301 North Orchard Street Boise, Idaho 83706-2237 • (208) 334-4440

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

EXTENSION OF TIME

January 11, 1988

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

PERMIT NO. 47-7520, Ray Depew and Glen Depew

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. 48268.

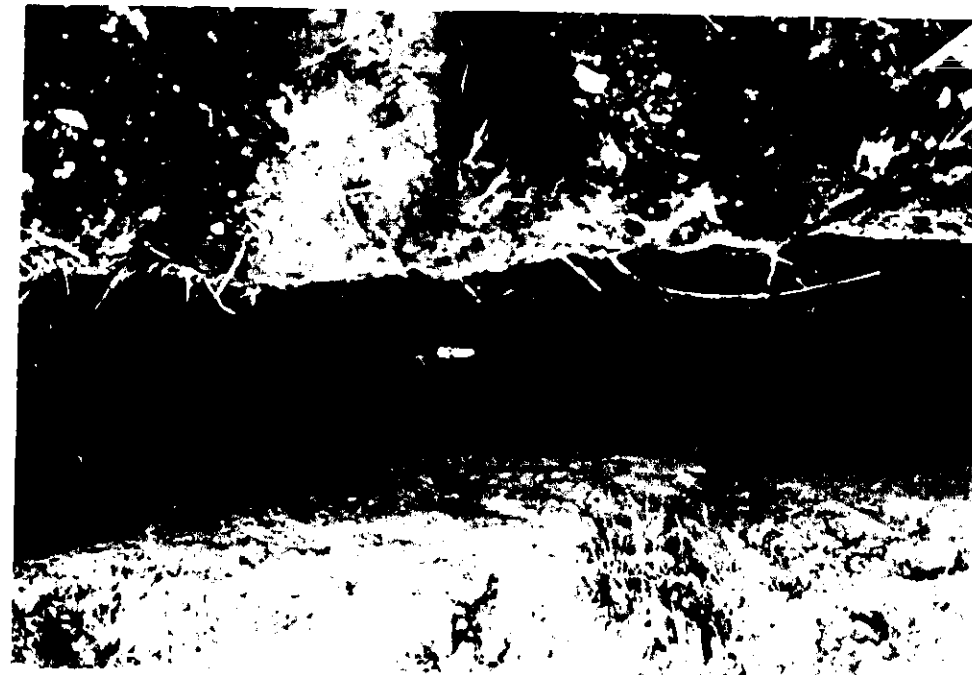
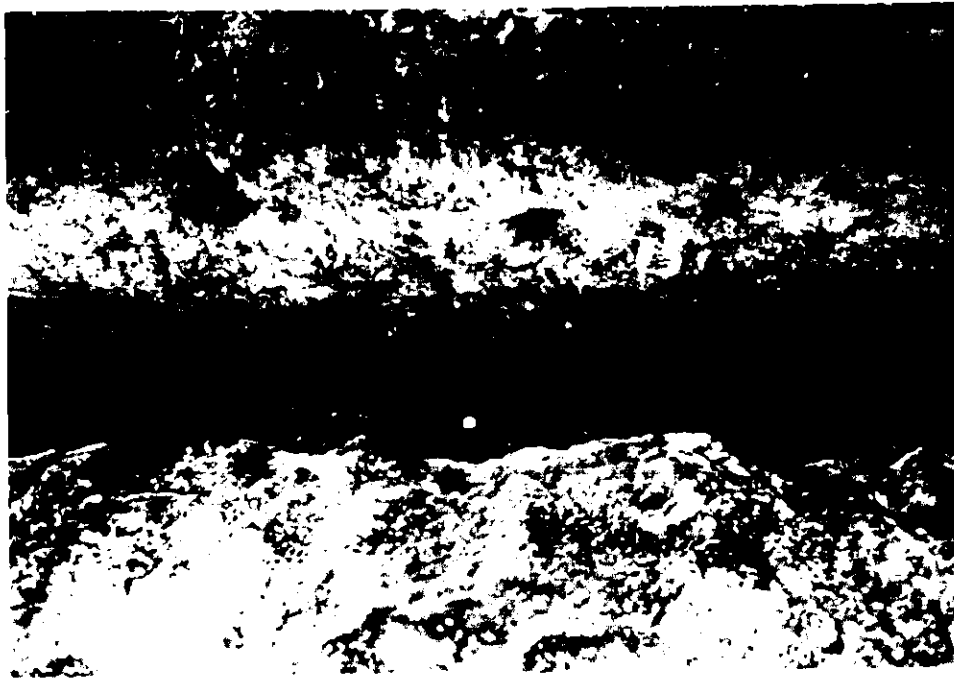
Roberta Garrett
Records Supervisor

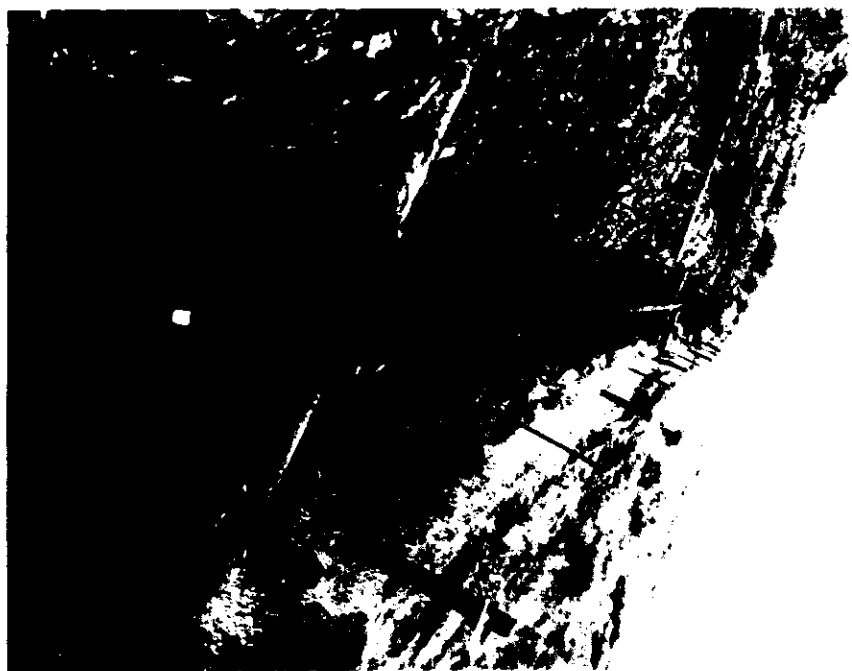
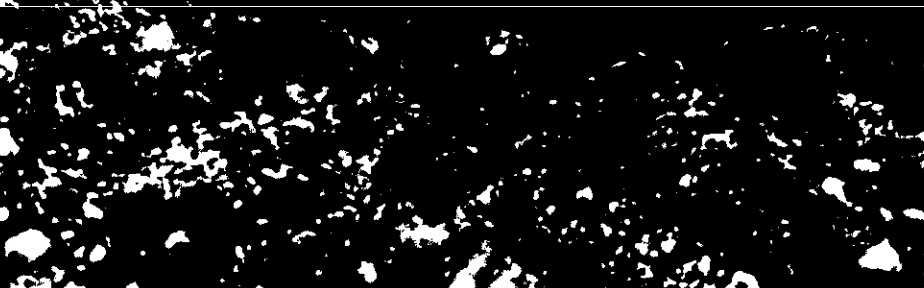
Enclosure

cc Ray and Glen Depew

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APR 01 1988





P A Y E E: DETACH THIS STATEMENT BEFORE DEPOSITING

NELSON, ROSHOLT, ROBERTSON, TOLMAN
AND TUCKER, CHARTERED

DATE	INVOICE NO.	DESCRIPTION	AMOUNT	DISCOUNT OR DEDUCTION	NET AMOUNT
12/31/87		1-514 File Extension of time Ray Depew 47-7520	15.00		15.00

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APR 04 1988

1. Describe what work has been completed toward the development of this water right:

(a) The permit holders incorporate by reference all information contained in the permit files and the information obtained by the Department of Water Resources at a hearing held on July 17, 1986, referencing Permit No. 47-7520 in the name of Ray Depew and Glen Depew.

(b) The following work has been completed in regard to Permit No. 47-7520 since the date of the Department's Order issued on March 10, 1987.

(1) The permit holders have installed main water lines to Lots 3 and 14. (The permit holders will provide the Department with photographs of the work.)

(2) Cost since March 10, 1987 approximately \$4,000.00.

2. The permit holders have been unable to complete the remainder of the work for the following reasons:

(a) The permit was issued on June 25, 1979, with proof of beneficial use due on January 1, 1984;

(b) The Department of Water Resources granted an extension on March 30, 1984, providing that beneficial use had to be filed by June 1, 1989.

3. The following events occurred during the pendency of this permit:

(a) The permit holders were named as defendants in Idaho Power Company v. Idaho Department of Water Resources, et al., on November 19, 1982, which prevented them from proceeding on this project until March 10, 1987, when an amended application for water rights was filed and approved by the Department of Water Resources, releasing the permit from the confines of the Swan Falls lawsuit;

(b) The Department of Water Resources issued an order on December 3, 1985, that mandated no further work to be done in the aquifer;

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APR 04 1988

EXHIBIT A

The Department's previous extension of time acknowledged the diligence of the permit holders in attempting to complete their water project. The permit holders, since the March 10, 1987, date, have completed a majority of their project.

The permit holders plan to install the main water lines to Lots 11 and 12 in the Spring of 1988. The permit holders plan to install the main water line to Lot 18 in the Spring of 1989. The permit holders plan to have the project completed by June 1, 1989, the time originally given by the Department of Water Resources under the permit holders extension of time.

END/8979m

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APR 11 1988

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
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F. BRUCE COVINGTON
LAIRD B. STONE
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
RUTH D. SIMPSON

Boise Office
1020 MAIN ST., SUITE 390
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

March 19, 1987

Robert D. Fleenor
Department of Water Resources
Statehouse
Boise, Idaho 83701

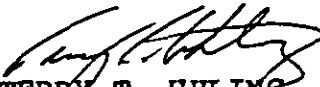
RE: Ray and Glen Depew, Permit No. 47-7520

Dear Bob:

This letter is in reference to my inquiry of the Department's changing the Order in regard to Permit No. 47-7520, in the name of Ray and Glen Depew, to provide a further extension of time because of delays caused by the Swan Falls and Banberry Hot Springs Moratorium Order, which were not the fault of the permit holders, Ray and Glen Depew. I was informed as to the Department's position that they do not entertain those extensions until the previous extension expires. I understand that position and have not objected to the order based upon that understanding with the Department of Water Resources. I thank you for your cooperation and assistance in helping me implement the changes I felt are necessary for both parties into the order.

If you have any questions regarding my understanding of the process, please feel free to contact me.

Sincerely yours,


TERRY T. UHLING

TTU/crh
cc: Ray and Glen Depew
36301

EXHIBIT B

REPROFILMED

APR 04 1988

December 31, 1987

138233
CERTIFIED MAIL

Ray and/or Glen Depew
2923 South 2200 East
Wendell, ID 83355

Gentlemen:

Re: Permit No. 47-7520

PROOF DUE NOTICE

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before January 1, 1988 however, the enclosed order extends the time within which to submit proof to March 1, 1988. Enclosed is a form which when accompanied by the license examination fee or a completed 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 provided the delay is for reasonable cause as described in Section 42-204, Idaho Code. If you have been prevented from proceeding by a government 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 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 the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

APR 04 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

September 14, 1987

Ray and/or Glen Depew
2923 South 2200 East
Wendell, ID 83355

RE: Proposed Well Modification

Dear Mr. Depew:

As we have discussed, the Department is not requiring the well modifications you are proposing; however, you have indicated that you would like to have the well constructed such that the Department would not require modifications in the future. While I can give you no guarantee that the proposed modification will be effective and satisfy future requirements, the proposal in your letter dated August 17, 1987 appears to be reasonable. As you know, flow from the well will decrease.

One staff person who reviewed the plan suggested that the well be cased to 385 feet, cemented from 250 feet back to land surface and the casing perforated from 250 feet to 385 feet. While this would provide added stability to the well, it may not be cost effective.

Several staff members questioned whether the wood plug will do the job. You may want to have a commercial packer or other back-up plan available if the wood does not seal the hole.

Based upon the information I have, your proposal is approved and if the well is completed as planned, intermixing and subsurface waste should not be a problem.

Section 42-233 of Idaho Code (enclosed) requires a surety bond for construction of a new low temperature geothermal resource well or the modification or deepening of an existing low temperature geothermal resource well. At this time rules and regulations are being drafted to address certain exemptions from bonding requirements. Based upon the Law a bond would be required for your well if you perform the proposed work. I anticipate that this type of well repair would be exempted through the rule process. If a bond is required, I will contact you once the rules are adopted.

Since the well is not to be deepened or enlarged, a drilling permit as required by 42-235, Idaho Code, is not required. The work must be performed by a licensed Idaho Water Well Driller.

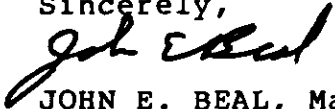
MICROFILMED

APR 04 1988

Ray and/or Glen Depew
RE: Proposed Well Modification
Page 2

If you have any questions or comments or plan to do the work, please contact me.

Sincerely,



JOHN E. BEAL, Manager
Groundwater Protection Section

JEB:ldt(GP6-1.11)

CC: Loren Holmes
Leah Street

MICROFILMED

APR 04 1988

Ray and/or Glen Depew
2923 South 2200 East
Wendell, ID 83355
536-2741

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AUG 19 1987
Department of Water Resources

August 17, 1987

John Beal
Statehouse
Boise, ID 83720

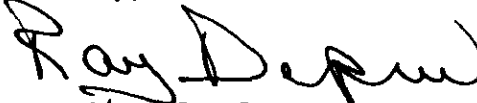
Dear Mr. Beal:

As per our telephone conversation on August 13th, we are submitting a plan for the casing of well in permit no.# 47-7520 for the Dept. of Water Resources approval.

First we intend to seal off the flow of water by placing a wooden plug in the lower portion of the lava layer which runs from approximately 180' - 220'. After the plug swells and stops the water flow, we intend to place 6" .25 wall steel pipe into the hole to a depth of 200'. Then we will seal the casing by pumping cement out the bottom of the pipe until it fills in between the existing hole and pipe. When the cement sets up we will then drill back through the cement and plug.

We would like the Dept. of Water Resources approval and/or suggestions on our plan for the well, as well as your opinion of the well at this time. Thank-you very much.

Sincerely,



Ray and/or Glen Depew
by Ray Depew

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FILMED

APR 04 1988

DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

BALLPOINT PEN

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

1. WELL OWNER

Name RAY DEE + Helen Depew
Address WENDELL, IDAHO
Owner's Permit No. _____

7. WATER LEVEL

Static water level _____ feet below land surface.
Flowing? ☒ Yes ☐ No G.P.M. flow 1000 APPROX
Artesian closed-in pressure 96 p.s.i.
Controlled by: ☒ Valve ☐ Cap ☐ Plug
Temperature 16.1 OF. Quality _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other _____

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☒ Other HEATING HOMES (specify type) _____

4. METHOD DRILLED

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

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>250</u> inches	<u>8"</u> inches	<u>1</u> feet	<u>90</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☐ No

Was a packer or seal used? ☐ Yes ☐ No

Perforated? ☐ Yes ☐ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

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

Well screen installed? ☐ Yes ☐ No

Manufacturer's name _____

Type _____ Model No. _____

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

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

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

Placed from _____ feet to _____ feet

Surface seal depth 90 Material used in seal: ☒ Cement grout

☐ Puddling clay ☐ Well cuttings

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing

☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent

Weld

☐ Cemented between strata

Describe access port _____

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
9"	0	35	CLAY		X
	35	38	GRAVEL + WATER	X	
	38	70	MED HARD GREY LAVA W CLAY + STRIPS OF RED DECOMPOSED FORMATION		X
	90	110	DECOMPOSED RED FORMATION	X	
	110	135	GREY LAVA W CLAY		X
	135	140	RED CLAY		X
	140	150	GREY CLAY		X
	150	170	SOLID GREY LAVA		X
	170	175	GREY LAVA + CLAY		X
	175	220	SOLID LAVA		X
	220	335	CLAY - 27.5' more water	X	
	335	420	BLACK ROCK + CLAY MIX	X	
	420	450	HARD BLACK LAVA		X

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JUN 16 1987

Department of Water Resources
Southern Region Office

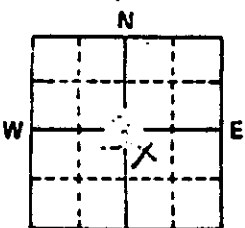
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JUL 17 1987

Department of Water Resources

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name Sullivan

River Ranches

Lot No. 14 Block No. _____

County Twin Falls

(Seal 30)

M.S. R. 11 E.M.

10.

Work started 4-19-79 finished 4-24-79

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

Firm Name ELRING DRILLING Firm No. 31

Date 7/24/79

Signed by (Firm Official) Amel Elring

and

(Operator) Pat Gillespie

6/16 - 6/18/87

To: File 47-7520

From: John Beal

Ray Deppa called to discuss this well.

He has some investors who are willing to buy lots but they want to know the well will not ~~be~~ ~~work~~ need extensive work later.

① I reviewed other wells in this section and found many of them may be short on casing depth & seals.

Several logs show a "clay" layer at 220 to 270 feet.

② Ray & I discussed well I told him that a casing & full seal job ~~would~~ be adequate. **MICROFILMED** APR 04 1988

③ We discussed bond requirement per SB 1133. I told him (this was discussed with NCT) that

if he only cased & sealed
the well, bonding would not
be required since he was
not drilling or modifying the
well for more water.

I think we must encourage
this type of work rather
than discourage.

④ I strongly urged Ray
to send a letter and
formally request the work
and no bond.

RECEIVED

APR 14 1988

DEPARTMENT OF WATER RESOURCES

BALLPOINT PEN

WELL DRILLER'S REPORT

Complete this report for every well drilled with the Department of Water Resources
under contract or otherwise for the Department of Water Resources.

1. WELL OWNER Name <u>Raymond L. Dwyer</u> Address <u>11111111111111111111</u> County District No. _____	7. COMPLETION Casing type <u>Steel</u> Casing size <u>10" ID</u> Annular seal in place <u>Yes</u> Grouted by <u>Yes</u> <u>No</u> <u>Yes</u> Temperature <u>70°</u> <u>80°</u> <u>90°</u>																																																																																																																																																									
2. METHOD OF WORK ☒ Rotary ☐ Drifted ☐ Augered ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☐ Siphon ☐ Air ☐ Other _____ Static W.L. _____ Pumping W.L. _____																																																																																																																																																									
3. PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Test ☐ Stocked ☐ Industrial ☐ Stock ☐ Water Disposal or Injection ☒ Other <u>WATER SUPPLY</u> Specify type _____	9. LITHOLOGIC LOG <table border="1"> <thead> <tr> <th>Depth</th> <th>Soil</th> <th>Rock</th> </tr> </thead> <tbody> <tr><td>0-1</td><td>CLAY</td><td></td></tr> <tr><td>1-2</td><td>CLAY</td><td></td></tr> <tr><td>2-3</td><td>CLAY</td><td></td></tr> <tr><td>3-4</td><td>CLAY</td><td></td></tr> <tr><td>4-5</td><td>CLAY</td><td></td></tr> <tr><td>5-6</td><td>CLAY</td><td></td></tr> <tr><td>6-7</td><td>CLAY</td><td></td></tr> <tr><td>7-8</td><td>CLAY</td><td></td></tr> <tr><td>8-9</td><td>CLAY</td><td></td></tr> <tr><td>9-10</td><td>CLAY</td><td></td></tr> <tr><td>10-11</td><td>CLAY</td><td></td></tr> <tr><td>11-12</td><td>CLAY</td><td></td></tr> <tr><td>12-13</td><td>CLAY</td><td></td></tr> <tr><td>13-14</td><td>CLAY</td><td></td></tr> <tr><td>14-15</td><td>CLAY</td><td></td></tr> <tr><td>15-16</td><td>CLAY</td><td></td></tr> <tr><td>16-17</td><td>CLAY</td><td></td></tr> <tr><td>17-18</td><td>CLAY</td><td></td></tr> <tr><td>18-19</td><td>CLAY</td><td></td></tr> <tr><td>19-20</td><td>CLAY</td><td></td></tr> <tr><td>20-21</td><td>CLAY</td><td></td></tr> <tr><td>21-22</td><td>CLAY</td><td></td></tr> <tr><td>22-23</td><td>CLAY</td><td></td></tr> <tr><td>23-24</td><td>CLAY</td><td></td></tr> <tr><td>24-25</td><td>CLAY</td><td></td></tr> <tr><td>25-26</td><td>CLAY</td><td></td></tr> <tr><td>26-27</td><td>CLAY</td><td></td></tr> <tr><td>27-28</td><td>CLAY</td><td></td></tr> <tr><td>28-29</td><td>CLAY</td><td></td></tr> <tr><td>29-30</td><td>CLAY</td><td></td></tr> <tr><td>30-31</td><td>CLAY</td><td></td></tr> <tr><td>31-32</td><td>CLAY</td><td></td></tr> <tr><td>32-33</td><td>CLAY</td><td></td></tr> <tr><td>33-34</td><td>CLAY</td><td></td></tr> <tr><td>34-35</td><td>CLAY</td><td></td></tr> <tr><td>35-36</td><td>CLAY</td><td></td></tr> <tr><td>36-37</td><td>CLAY</td><td></td></tr> <tr><td>37-38</td><td>CLAY</td><td></td></tr> <tr><td>38-39</td><td>CLAY</td><td></td></tr> <tr><td>39-40</td><td>CLAY</td><td></td></tr> <tr><td>40-41</td><td>CLAY</td><td></td></tr> <tr><td>41-42</td><td>CLAY</td><td></td></tr> <tr><td>42-43</td><td>CLAY</td><td></td></tr> <tr><td>43-44</td><td>CLAY</td><td></td></tr> <tr><td>44-45</td><td>CLAY</td><td></td></tr> <tr><td>45-46</td><td>CLAY</td><td></td></tr> <tr><td>46-47</td><td>CLAY</td><td></td></tr> <tr><td>47-48</td><td>CLAY</td><td></td></tr> <tr><td>48-49</td><td>CLAY</td><td></td></tr> <tr><td>49-50</td><td>CLAY</td><td></td></tr> </tbody> </table>	Depth	Soil	Rock	0-1	CLAY		1-2	CLAY		2-3	CLAY		3-4	CLAY		4-5	CLAY		5-6	CLAY		6-7	CLAY		7-8	CLAY		8-9	CLAY		9-10	CLAY		10-11	CLAY		11-12	CLAY		12-13	CLAY		13-14	CLAY		14-15	CLAY		15-16	CLAY		16-17	CLAY		17-18	CLAY		18-19	CLAY		19-20	CLAY		20-21	CLAY		21-22	CLAY		22-23	CLAY		23-24	CLAY		24-25	CLAY		25-26	CLAY		26-27	CLAY		27-28	CLAY		28-29	CLAY		29-30	CLAY		30-31	CLAY		31-32	CLAY		32-33	CLAY		33-34	CLAY		34-35	CLAY		35-36	CLAY		36-37	CLAY		37-38	CLAY		38-39	CLAY		39-40	CLAY		40-41	CLAY		41-42	CLAY		42-43	CLAY		43-44	CLAY		44-45	CLAY		45-46	CLAY		46-47	CLAY		47-48	CLAY		48-49	CLAY		49-50	CLAY	
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4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Aug ☐ Other _____																																																																																																																																																										
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ Thickness _____ Diameter _____ 1st section _____ 2nd section _____ 3rd section _____ 4th section _____ 5th section _____ 6th section _____ Was casing drive shoe used? ☐ Yes ☐ No Was a puller or seal used? ☐ Yes ☐ No Perforated? ☐ Yes ☐ No How perforated? ☐ Factory ☐ Kelly ☐ Wash Size of perforation _____ inches by _____ inches Number _____ Feet _____ 1st section _____ 2nd section _____ 3rd section _____ 4th section _____ 5th section _____ 6th section _____ Was cement injected? ☐ Yes ☐ No Manufacturer's name _____ Type _____ Quantity _____ Method of setting casing: ☐ Drilled ☐ Grouted (describe grout) _____ Grout amount _____																																																																																																																																																										
6. LOCATION OF WELL Sketch map location well spot with neighborhood _____ 																																																																																																																																																										

1938

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

TWIN FALLS, IDAHO 83303-1906

TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVEN K. TOLMAN
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TERRY T. UHLING
F. BRUCE COVINGTON
LAIRD B. STONE
JERRY JENSEN
GARY D. SLETTE
CAROLYN M. MINDER
RUTH D. SIMPSON

3DF
ok to file

Boise Office
1020 MAIN ST., SUITE 390
P.O. BOX 2139
BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

RECEIVED
MAR 20 1987

March 19, 1987

Department of Water Resources

Robert D. Fleenor
Department of Water Resources
Statehouse
Boise, Idaho 83701

RE: Ray and Glen Depew, Permit No. 47-7520

Dear Bob:

This letter is in reference to my inquiry of the Department's changing the Order in regard to Permit No. 47-7520, in the name of Ray and Glen Depew, to provide a further extension of time because of delays caused by the Swan Falls and Banberry Hot Springs Moratorium Order, which were not the fault of the permit holders, Ray and Glen Depew. I was informed as to the Department's position that they do not entertain those extensions until the previous extension expires. I understand that position and have not objected to the order based upon that understanding with the Department of Water Resources. I thank you for your cooperation and assistance in helping me implement the changes I felt are necessary for both parties into the order.

If you have any questions regarding my understanding of the process, please feel free to contact me.

Sincerely yours,


TERRY T. UHLING

TTU/crh
cc: Ray and Glen Depew
36301

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APR 13 1987

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

P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906

Robert D. Fleenor
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

RECORDED

APR 13 1981



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

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

March 11, 1987

Ray and Glen Depew
Rt. 2, Box 115A
Wendell, ID 83355

Gentlemen:

Re: Permit No. 47-7520

Enclosed is a copy of the approved Application for Amendment on Permit No. 47-7520 along with a copy of the Order Adopting the Amended Proposed Memorandum Decision and Order and Amended Proposed Memorandum Decision and Order.

Any person who does not agree with the decision of the Department may request a rehearing before the Director within 20 days or may appeal directly to the district court within 30 days of the date of the decision.

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: Gary Slette
Terry T. Uhling

MICROFILMED

MAR 20 1987

INTER-DEPARTMENT MEMO — 1

FROM Rita Fleck

DATE 3-11-87

TO File 47-7520

SUBJECT Terry Uhlings Letter dated 2-27-87

Action on the third extension requested by Terry Uhling was not necessary, since no exceptions were received by the 9th and the department's final order was not signed until the 10th.

**RECEIVED
FILMED**

MAR 20 1987

SIGNATURE

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH
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MAR 04 1987

February 27, 1987

Department of Water Resources

Robert D. Fleenor
State of Idaho, Dept. of Water Resources
Statehouse
450 West State Street
Boise, Idaho 83720

RE: In the Matter of Permit No. 47-7520
In the Name of Ray and Glen Depew

Dear Bob:

Pursuant to our telephone conversation, I am enclosing a third Stipulation for Extension of Time to file exceptions in regard to the above referenced matter.

Thank you very much for your cooperation and assistance in this matter; if you have any questions or comments, please don't hesitate to contact me.

Sincerely yours,

Terry T. Uhling
TERRY T. UHLING

/crh
30051
Enclosure

MICROFILMED

MAR 20 1987

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MAR 04 1987

Department of Water Resources

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

IN THE MATTER OF PERMIT NO.) THIRD STIPULATION FOR
47-7520 IN THE NAME OF) EXTENSION OF TIME TO
RAY AND GLEN DEPEW) FILE EXCEPTIONS

COME NOW, the parties herein, Terry T. Uhling, of the firm Nelson, Rosholt, Robertson, Tolman & Tucker, for Ray and Glen Depew, and Robert D. Fleenor for the Idaho Department of Water Resources, and stipulate and agree to extend the time for Ray and Glen Depew to file their exceptions until March 9, 1987.

The extension of time is necessary in order to properly formulate and prepare exceptions to the Proposed Memorandum Decision and Order issuing proposed Memorandum Decision and Order In the Matter of Permit No. 47-7520 in the Name of Ray and Glen Depew.

DATED: _____

NELSON, ROSHOLT, ROBERTSON
TOLMAN & TUCKER

DATED: _____

IDAHO DEPARTMENT OF WATER
RESOURCES

By _____
Terry T. Uhling

By _____
Robert D. Fleenor

STIPULATION

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MAR 20 1987

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER

Chartered

ATTORNEYS AT LAW

142 3rd AVENUE NORTH

P.O. BOX 1906

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TELEPHONE (208) 336-0700

RECEIVED

FEB 09 1987

February 6, 1987

Department of Water Resources

Robert D. Fleenor
State of Idaho, Dept. of Water Resources
Statehouse
450 West State Street
Boise, Idaho 83720

RE: In the Matter of Permit No. 47-7520
In the Name of Ray and Glen Depew

Dear Bob:

Pursuant to our telephone conversation this date, I am enclosing a second Stipulation for Extension of Time to file exceptions in regard to the above referenced matter.

Thank you very much for your cooperation and assistance in this matter, please don't hesitate to contact me.

Sincerely yours,

Terry T. Uhling
TERRY T. UHLING

TTU/crh
cc: Glen & Ray Depew
30051
Enclosure

MICROFILMED

MAR 20 1987

1
2
3
4
5 BEFORE THE DIRECTOR OF THE DEPARTMENT
6 OF WATER RESOURCES OF THE
7 STATE OF IDAHO

8 IN THE MATTER OF PERMIT NO.) SECOND STIPULATION FOR
9 47-7520 IN THE NAME OF) EXTENSION OF TIME TO
RAY AND GLEN DEPEW) FILE EXCEPTIONS

10 COME NOW, the parties herein, Terry T. Uhling of the
11 firm Nelson, Rosholt, Robertson, Tolman & Tucker, for Ray and
12 Glen Depew, and Robert D. Fleenor for the Department of Water
13 Resources, and stipulate and agree to extend the time for Ray
14 and Glen Depew to file their exceptions until February 23, 1987.

15 The extension of time is necessary in order to
16 properly formulate and prepare exceptions to the Proposed
17 Memorandum Decision and Order issuing Proposed Memorandum
18 Decision and Order In the Matter of Permit No. 47-7520 in the
19 Name of Ray and Glen Depew.

20
21 DATED: Feb 6, 1987

DATED: _____

22 NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER

IDAHO DEPARTMENT OF WATER
RESOURCES

23
24 By Terry T. Uhling
Terry T. Uhling

By _____
Robert D. Fleenor

25
26 MICROFILMED

27 MAR 20 1987
28

1
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5 BEFORE THE DIRECTOR OF THE DEPARTMENT
6 OF WATER RESOURCES OF THE
7 STATE OF IDAHO

8 IN THE MATTER OF PERMIT NO.) SECOND STIPULATION FOR
47-7520 IN THE NAME OF) EXTENSION OF TIME TO
9 RAY AND GLEN DEPEW) FILE EXCEPTIONS

10 COME NOW, the parties herein, Terry T. Uhling of the
11 firm Nelson, Rosholt, Robertson, Tolman & Tucker, for Ray and
12 Glen Depew, and Robert D. Fleenor for the Department of Water
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14 and Glen Depew to file their exceptions until February 23, 1987.

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17 Memorandum Decision and Order issuing Proposed Memorandum
18 Decision and Order In the Matter of Permit No. 47-7520 in the
19 Name of Ray and Glen Depew.

20
21 DATED: Feb 6, 1987

DATED: _____

22 NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER

IDAHO DEPARTMENT OF WATER
RESOURCES

23
24 By Terry T. Uhling

By Robert D. Fleenor

25
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MAR 20 1987

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

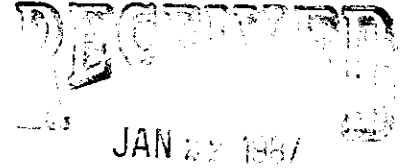
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BOISE, IDAHO 83702-2139
TELEPHONE (208) 336-0700

January 20, 1987



Department of Water Resources

Robert D. Fleenor
State of Idaho, Dept. of Water Resources
Statehouse
450 West State Street
Boise, Idaho 83720

RE: In the Matter of Permit No. 47-7520
In the Name of Ray and Glen Depew

Dear Bob:

I have had the opportunity to review the proposed Memorandum Decision and Order issuing a proposed memorandum decision in the Ray and Glen Depew matter. I outlined the problem I had with the proposed order as issued in our telephone conversation.

We discussed the question of beneficial use with the construction of a subdivision project. It is my understanding, as outlined in a letter I received January 12, 1987, from Loren Holmes that the Department of Water Resources considers the water to be applied to beneficial use when the water distribution system is in place with a connection for each intended user whether or not the homes have been built.

The problem I have with the initial proposed Order is that it fails to define the Department's definition of beneficial use in this matter. I would request that under conclusions of law, that a number "7" be inserted to state that the Department of Water Resources will consider the development under the permit to be complete when the water distribution system is in place with a connection for each intended user, whether or not the homes have been built.

MicroFILMED

MAR 20 1987

Robert D. Fleenor
State of Idaho, Dept. of Water Resources
January 20, 1987

We also discussed stipulating to an extension of time in which to file exceptions in order for both parties to resolve this issue as quickly as possible. I prepared a stipulation to be signed by both parties referencing the extension of time in which to file exceptions. I have enclosed a copy of the Stipulation to be executed by both parties providing another fifteen (15) days in which to file an exception to the Order and Proposed Order issued in Permit No. 47-7520 in the matter of Ray and Glen Depew.

Thank you for your cooperation and assistance in this matter. If you have any questions or comments, please don't hesitate to give me a call.

Sincerely yours,



TERRY T. UHLING

TTU/crh
cc: Ray & Glen Depew
27241
Enclosure

MICROFILMED

MAR 20 1987

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

IN THE MATTER OF PERMIT NO.) STIPULATION FOR EXTENSION
47-7520 IN THE NAME OF) OF TIME TO FILE EXCEPTION
RAY AND GLEN DEPEW)

COME NOW, the parties herein, Terry T. Uhling of the firm Nelson, Rosholt, Robertson, Tolman & Tucker, for Ray and Glen Depew, and Robert D. Fleenor for the Department of Water Resources, and stipulate and agree to extend the time for Ray and Glen Depew to file their exceptions until February 7, 1987.

The extension of time is necessary in order to properly formulate and prepare exceptions to the Proposed Memorandum Decision and Order issuing Proposed Memorandum Decision and Order In the Matter of Permit No. 47-7520 in the Name of Ray and Glen Depew.

DATED: 1-20-84

DATED: 1-22-87

NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER

IDAHO DEPARTMENT OF WATER
RESOURCES

By Terry T. Uhling
Terry T. Uhling

By Robert D. Fleenor
Robert D. Fleenor

MICROFILMED

MAR 20 1987

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

IN THE MATTER OF PERMIT NO.)
47-7520 IN THE NAME OF)
RAY AND GLEN DEPEW)

STIPULATION FOR EXTENSION
OF TIME TO FILE EXCEPTION

COME NOW, the parties herein, Terry T. Uhling of the firm Nelson, Rosholt, Robertson, Tolman & Tucker, for Ray and Glen Depew, and Robert D. Fleenor for the Department of Water Resources, and stipulate and agree to extend the time for Ray and Glen Depew to file their exceptions until February 7, 1987.

The extension of time is necessary in order to properly formulate and prepare exceptions to the Proposed Memorandum Decision and Order issuing Proposed Memorandum Decision and Order In the Matter of Permit No. 47-7520 in the Name of Ray and Glen Depew.

DATED: 1-20-84

DATED: 1-22-87

NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER

IDAHO DEPARTMENT OF WATER
RESOURCES

By Terry T. Uhling
Terry T. Uhling

By Robert D. Fleenor
Robert D. Fleenor

MICROFILMED

MAR 20 1987

JAN 12 1987

Department of Water Resources

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

IN THE MATTER OF PERMIT NO.)
47-7520 IN THE NAME OF) STIPULATION FOR EXTENSION
RAY AND GLEN DEPEW) OF TIME TO FILE EXCEPTION
_____)

COME NOW, the parties herein, Terry T. Uhling of the firm Nelson, Rosholt, Robertson, Tolman & Tucker, for Ray and Glen Depew, and Robert D. Fleenor for the Department of Water Resources, and stipulate and agree to extend the time for Ray and Glen Depew to file their exceptions until February 7, 1987.

The extension of time is necessary in order to properly formulate and prepare exceptions to the Proposed Memorandum Decision and Order issuing Proposed Memorandum Decision and Order In the Matter of Permit No. 47-7520 in the Name of Ray and Glen Depew.

DATED: 1-20-87

DATED: 1-22-87

NELSON, ROSHOLT, ROBERTSON,
TOLMAN & TUCKER

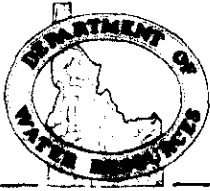
IDAHO DEPARTMENT OF WATER
RESOURCES

By Terry T. Uhling
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MICROFILMED

MAR 20 1987



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

January 12, 1987

RECEIVED
JAN 14 1987

Gary Slette
Attorney at Law
P.O. Box 1906
Twin Falls, ID 83301

Department of Water Resources

RE: Permit 47-7520-Ray & Glen Depew

Dear Gary:

Permit 47-7520, as Amended, represents the holders right to appropriate water and supply it for heating purposes to the Subdivision lots described in the permit.

In this type of permit, the construction of homes by the actual users is out of the control of the permit holder.

Therefore, our policy regarding completion & beneficial use on subdivision systems is to consider the development under the permit complete when the water distribution system is in place with a connection for each intended user whether or not the homes have been built.

When the Department makes the licensing examination, the number of connections is verified and the license is issued for those places of use having actual connections.

Very truly yours,

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

LH:MB

cc: Ray & Glen Depew
✓IDWR-State Office

MICROFILMED
MAR 20 1987

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7520
IN THE NAME OF RAY & GLEN DEPEW

HEARING NOTICE

WHEREAS, Permit No. 47-7520 is for the diversion of water from a well within the Banbury Hot Springs Ground Water Management Area (BHSWGMA) which was created on April 12, 1982; and,

WHEREAS, the pressure in the BHSWGMA has continued to decline; and,

WHEREAS, on December 4, 1985, the Director issued an order halting development and requiring the permit holders in the (BHSGWA) to submit proof of beneficial use on the completed portion of the project; and,

WHEREAS, some of the permit holders protested the December 4th Order and requested a hearing; and,

WHEREAS, a conference was held on March 26, 1986 which resulted in a field examination by the department of the project; and,

WHEREAS, the project was found to be incomplete;

THEREFORE, a hearing is hereby set at 1:30 p.m. on Wednesday, July 16, 1986 at the Twin Falls City Hall Conference Room, Second Floor, 321 Avenue East, Twin Falls, Idaho to determine under Sec. 42-204, Idaho Code, the extent of the development on the permit, the level of diligence the permit holder has shown toward the completion of the project, and to show cause why Permit No. 47-7520 should not be cancelled.

Changed to Thursday at the request of Terry Uhling's office. Combined with hearing on Permit 47-7414A

Dated this 27 day of June, 1986.

MICROFILMED

MAR 20 1987

Bobby D. Fleenor
BOBBY D. FLEENOR
Hearing Officer

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: ADM

Right Number 47-7520 Applicant DEPEW, Ray &/or Glen

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

☐ Increase amount. ☒ Change place of use. ☒ Other Delete irrigation use

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.
- ☒ Existing water rights from the same source, amended place of use. None

☐ Right number(s) _____

☒ 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. ms 6/19/86
- ☒ Amendment published correctly.
- ☒ Protests processed. None
- ☒ Approve.
- ☐ Deny.

Conditions Note H.I. Use is in Bonanza Groundwater
Management Area. OIC, 04, 10

By ADM Date 6/26/86

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to _____ By _____ Date _____

MAR 20 1987

RECEIVED
JUN 10 1986

Department of Water Resources

NOTICE OF
AMENDMENT TO
A WATER PERMIT
NO. 47-7520

Notice is hereby given that Ray &/or Glen Depew of Wendell, Idaho are the holders of approved permit No. 47-7520 and have applied to the Department of Water Resources for an Amendment to the permit to change the place of use and to delete irrigation use as follows:

AMOUNT: 2.0 cfs for heating from January 1 to December 31

POINT OF DIVERSION:
No change - NWSE, Sec. 30, T8S, R14E, B.M., Twin Falls County.

PLACE OF USE:
SWNE, N $\frac{1}{2}$ SE $\frac{1}{4}$, SESE, Sec. 30, T8S, R14E

Any protest against approval of the amending of Permit No. 47-7520 was 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 June 23, 1986.

A. KENNETH DUNN
Director

PUBLISH: **Thursdays,**
June 5, and 12, 1986.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

ss.

JUN 10 1986

No. 16324

I, Belinda J. Capps, being first duly sworn upon oath, depose and say that I am Quintessence of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated June 5, 1986, and ending with the issue dated June 12, 1986.

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 the TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Sunday until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

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

Subscribed and sworn to before me on this 12th day of June, 1986

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

RECEIVED

OK
M B
6/19/86

MAILED
JUN 20 1986



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 13, 1986

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

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.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

MAR 20 1987

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 47-7520

Notice is hereby given that Ray &/or Glen Depew of Wendell, Idaho are the holders of approved permit No. 47-7520 and have applied to the Department of Water Resources for an Amendment to the permit to change the place of use and to delete irrigation use as follows:

AMOUNT: 2.0 cfs for heating from January 1 to December 31

POINT OF DIVERSION: No change - NWSE, Sec. 30, T8S, R14E, B.M., Twin Falls County.

PLACE OF USE: SWNE, N1/2SE1/4, SESE, Sec. 30, T8S, R14E

Any protest against approval of the amending of Permit No. 47-7520 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 June 23, 1986.

A. KENNETH DUNN
Director

Published in Times News on June 5 and June 12, 1986.

MICROFILMED

MAR 20 1987

**NOTICE OF
AMENDMENT TO
A WATER PERMIT
NO. 47-7520**

Notice is hereby given that Ray &/or Glen Depew of Wendell, Idaho are the holders of approved permit No. 47-7520 and have applied to the Department of Water Resources for an Amendment to the permit to change the place of use and to delete irrigation use as follows:

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PLACE OF USE:
SWNE, N $\frac{1}{2}$ SE $\frac{1}{4}$, SESE, Sec. 30, T8S, R14E

Any protest against approval of the amending of Permit No. 47-7520 was 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 June 23, 1986.

A. KENNETH DUNN

Director

PUBLISH: **Thursdays,**
June 5, and 12, 1986.

*cc
meryn
5/15/86*

RECEIVED

MAR 20 1987



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

May 13, 1986

Gary Slette
Attorney at Law
P. O. Box 1906
Twin Falls, Idaho 83301

Re: Amendment - 47-7520

Dear Mr. Slette:

Enclosed for your file is a copy of the Application for Amendment of Permit 47-7520 drafted and filed in this office by Ray & Glen Depew following our meeting on May 9, 1986.

Please note that approval of the Amendment will quantify the maximum number of homes to be serviced under the permit.

If you have any questions, please contact me.

Very truly yours,

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

LOH:marya

Encl:

MICROFILMED

MAR 20 1987

MEMORANDUM
May 9, 1986

TO: IDAHO DEPARTMENT OF WATER RESOURCES

FROM: GARY D. SLETTE, ATTORNEY FOR RAY and/or GLEN DEPEW
(PERMIT NO. 47-7520)

The above-numbered permit was approved by the Idaho Department of Water Resources in 1979. From the outset, the applicants have intended to devote their water right to those uses noted on the permit, i.e., home heating, greenhouses, swimming pools, etc. Irrigation in the amount of .2 cfs was likewise included on the application.

A request for an extension of time to provide proof of beneficial use was granted by the Department on May 30, 1984. Under that extension, the applicants have until June 1, 1989, in which to submit their proof of beneficial use. The Swan Falls matter effectively precluded the applicants from proceeding with their orderly plan of development, since potential water users were uncertain of the nature of the right they would acquire. The original plan of development always envisioned the sale of interests in the well to other individuals on nearby lots for the same purposes as are indicated on the permit. The creation of the Banbury Hot Springs Ground Water Management Area (BGMA) has likewise created an impediment to the applicants' ability to proceed with their orderly development.

Two amendments to the original permit have been filed. The first amendment provided for the withdrawal of the proposed irrigation use in the amount of .2 cfs. As advised by personnel at the local IDWR office, a 2 cfs use for recreation was added. A second amendment was recently submitted to change the place of use of the water in recognition of the fact that the subdivision lots sought to be served were not located within the place of use denominated on the original application. The applicants on this date have withdrawn the aforementioned proposed amendments. In their stead, a single amendment has been proposed which alters the original application in two respects, namely:

- (a) The use of water for irrigation in the amount of .2 cfs has been deleted.
- (b) The place of use has been changed in recognition of the location of the subdivision lots.

RECEIVED

MAR 20 1987

The applicants have received assurance from Loren Holmes at IDWR that such changes will not alter the original date of priority. The revised amendment is being submitted in order to facilitate the completion of the project without deviating from the original application and the original plan of development.

The applicants have undertaken steps towards development which have been costly both in terms of time and money. Originally, the well was drilled at considerable expense to the applicants. The preparation and filing of an extension was necessary following the Swan Falls litigation. The applicants hired the Stukenholtz Laboratories of Twin Falls to conduct an analysis of the water quality. In attempting to determine the feasibility of other uses of the water, the applicants met with Energy Services, Inc. of Idaho Falls, Idaho. They commissioned a feasibility study to be done to determine the potential for an alcohol plant. Furthermore, investigation was made by the applicants with regard to the water's use for fish propagation. In sum, the applicants have expended much energy and money researching development alternatives for the water. Their plan of development is, however, that as originally proposed in the application for permit, i.e., home heating, greenhouses, swimming pools, etc.

In addition to those activities already undertaken by the applicants, legal fees have been paid by the applicants for necessary research. Initially, much research was done on the applicability of the public utility statutes and potential regulation by the Public Utility Commission for the proposed use. Preparation of documents for the formation of a water corporation has begun, as well as draft documents pertaining to the contract between the corporation and the ultimate users. Additionally, discussions with realtors and potential users have been a part of the legal services provided to the applicants. The law firm of Nelson, Rosholt, Robertson, Tolman and Tucker has been involved in the research and work on this case over the last two and one-half years.

The applicants are proceeding with all diligence possible in light of the Swan Falls and BGMA impediments before them. The applicants have made good faith attempts to proceed with their proposed orderly development, however, the ultimate consumers are concerned about their ability to have a certain commodity delivered to them. In reliance on their extension, the applicants have continued to expend time and money in their plan of eventual development and proof of use.

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MAR 20 1987



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

April 28, 1986

Ray and Glen Depew
Rt. 2, Box 115A
Wendell, ID 83355

Gentlemen:

Re: Permit No. 47-7250

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

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

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

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

Sincerely,

NORMAN C. YOUNG, Administrator
Resources Administration Division

NCY:BDF:rf

cc: Terry Uhling, Attorney

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MAR 20 1987



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

April 14, 1986

Ray or Glen Depew
Rt 2
Wendell, Idaho 83355

Re: Permit 47-7520

Gentlemen:

We are processing your application for amendment of the above-referenced water permit.

This permit includes 5 acres of irrigation within the NW1/4SE1/4, Sec. 30. Your application for amendment shows no irrigation, however. You need to show the land to be irrigated, up to a maximum of 5 acres. If you no longer wish to irrigate with this well, this should be reflected in Item 2 of the amendment. Since your other amendment to this permit has not been approved, we are assuming that you are no longer interest in it.

Please contact this office so we can make the necessary corrections to your latest application for amendment.

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

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

LOH:JES:marya

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MAR 20 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

So amended
By APP filed
5/9/86

APPLICATION FOR AMENDMENT OF A PERMIT

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

Comes now Ray &/or Glen Depew

of (address) Rt. 2 Wendell, ID 83355, 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. 47-7520, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NO CHANGE $\frac{1}{4}$ Section _____, Township _____, Range _____, B.M.,
County of _____. Other points of diversion: _____

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

Amount NO CHANGE for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8S	14E	30			X										X	X		X	
PLACE OF USE FURTHER DESCRIBED AS																			
Salmon River Ranches Subdivision								LOT				NUMBER OF HOMES							
								3				2							
								11				2							
								12				2							
								14				4							
								18				2							

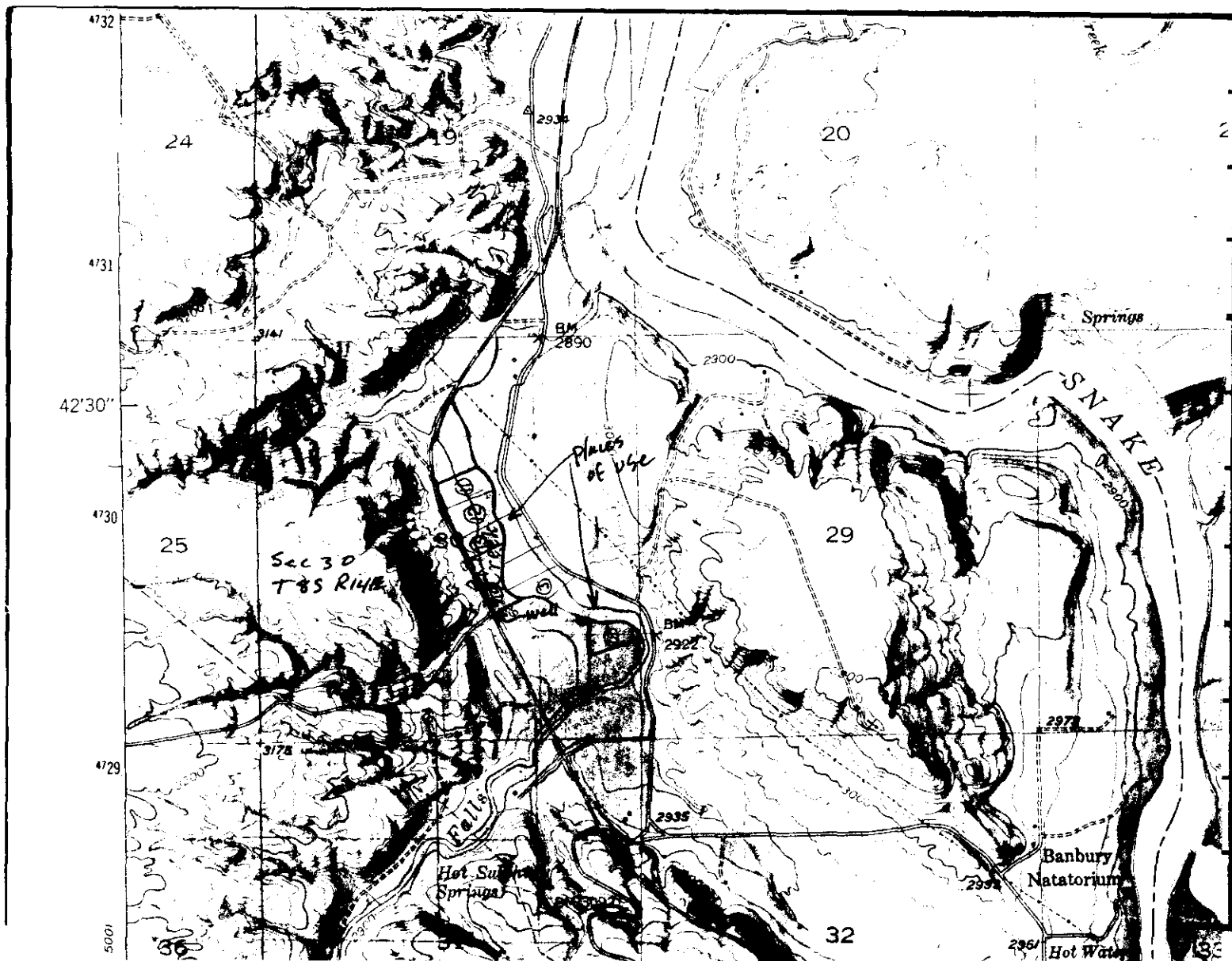
Total number of acres to be irrigated = _____

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

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MAR 20 1987

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



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, this 10 day of April, 1986.

[Signature]
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00

Received by RA Date 4/10/86 #40063

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, _____, Director of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

MAR 20 1987

Director

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE, \$300

DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

(Name of Sender)

RETURN
TO

MICROFILMED

MAR 20 1987

(City, State, and ZIP Code)

(City, State, and ZIP Code)

● **SENDER: Complete items 1, 2, 3 and 4.**

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:

Ray + Glen Depew
Rt. 2, Box 115A
Wendell, Id 83355

4. Type of Service:

- | | |
|---|----------------------------------|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | |

Article Number

1138819

Always obtain signature of addressee and
DATE DELIVERED.

5. Signature -- Addressee

X

6. Signature -- Agent

X

7. Date of Delivery

JUL 14 1986 6-30

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

47-7520

DOMESTIC RETURN RECEIPT

47-7520

~~47-7520~~ Permit holder Ray & Glen Depew

Filed April 25, 1979

Permit issued June 25, 1979

Extended May 30 1981

Proof Due June 1, 1989

Q requested 2.0 cfs heating 0.2 irrigation

Amendment filed May 9, 1986 to change the place of use for heating and delete irrigation

Legal - Argument

- Order of Dec. 4, 1986 - Jurisdiction
 - Idaho Code Sec 42-204 - Amendment of statute occurred
 - ~~Amendment~~ therefore hearing is improper
 - Hearing improper since a ~~extension~~ ^{extension} is granted -
- ~~World~~

The memorandum explains ~~the~~ the development that has taken place -

MICROFILMED

MAR 20 1987

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

PETITIONERS.)

NOTICE OF HEARING
AND/OR CONFERENCE

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

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

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

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

Dated this 10 day of March, 1986.


BOBBY D. FLEENOR
HEARING OFFICER

MICROFILMED

MAR 20 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

January 20, 1986

Ray & Glen Depew
Route 2 Box 115A
Wendell, ID 83355

RE: 47-7520

Gentlemen:

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

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

Sincerely,

L. GLEN SAXTON, Chief
Operations Bureau

LGS:ldt

CC: IDWR - Southern Region

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MAR 20 1987

Ray Depew
Glen Depew
Rt. 2, Box 115A
Wendell, ID 83355

RECEIVED

JAN 14 1986

Department of Water Resources

January 13, 1986

State of Idaho
Dept. of Water Resources
Statehouse
Boise, ID 83720

RE: Order of Proof of Beneficial Use of Water
Right No. 47-7500.

Gentlemen:

I wish to protest the order to show proof of beneficial use of water right 47-7500 and ask for a hearing on the following grounds.

We had plans to install mainline for heating to the lots we own and start construction on a home on one in November. The earliness & severity of the winter freeze stopped these plans. We do not feel we should be deprived of the chance to prove up our water right because of unusually cold weather. Thank-you.

Sincerely,

Ray Depew

MICROFILMED

MAR 20 1987

P 7m 3611, July 1982

- **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

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

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

2. ☐ **RESTRICTED DELIVERY** \$
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL

3. **ARTICLE ADDRESSED TO:**

Ray Depew
Glen Depew

4. **TYPE OF SERVICE:**

- ☐ REGISTERED
☒ CERTIFIED
☐ EXPRESS MAIL

RECEIVED
MAR 20 1981

ARTICLE NUMBER

738610

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

Cindy Depew

5. **DATE OF DELIVERY**

12-19-85

POSTMARK
(may be on reverse side)

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

15

RETURN RECEIPT

47-7520 (1dt)

★ GPO: 1982-378-593

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below:

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

**RETURN
TO
MICROFILMED**

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

(Name of Sender)

MAR 20 1981

(Street or P.O. Box)

(City, State, and ZIP Code)

... 4.00 85720

☐ Express Mail☐ Without Postal Insurance

POSTMARK AND DATE OF RECEIPT

PS Form 3877, Feb. 1982 FOR REGISTERED, INSURED, C.O.D., CASHED, AND EXPRESS MAIL

* U.S. GOVERNMENT PRINTING OFFICE: 1984-242-108



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

December 12, 1985

CERTIFIED MAIL

Ray Depew
Glen Depew
Route 2 Box 115A
Wendell, ID 83355

RE: Water Right Permit No. 47-7520

Gentlemen:

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

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

The Department is presently holding an application for amendment which you submitted in connection with this permit. The amendment proposes to change the nature of use but has not been acted upon by the Department. Upon submittal of the proof of beneficial use as required in the order, the Department will further consider the pending application for amendment.

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

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

Sincerely,

John E. Saxton For
L. GLEN SAXTON, Chief
Operations Bureau

MICROFILMED

MAR 20 1986

LGS:ldt (Pl-1.53)

Enclosures

CC: IDWR - ~~Southern Region~~



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

September 30, 1985

Ray or Glen Depew
Route 2 Box 115A
Wendell, ID 83355

RE: Permit 47-7520

Gentlemen:

The Department has been advised that you may be planning to clean out and place additional casing in the well used for the above referenced water right permit and that you may be planning to produce power with water from the well.

If you plan to do any work on the well, you must submit a modification plan to the Department for review and approval prior to any construction, in accordance with the May 2, 1983 order (copy enclosed).

The water right permit and amendment do not include power production as a use. If you plan to produce power, a new application must be submitted to the Department.

Due to changes in Idaho Code this past summer, your application for amendment of permit 47-7520 is being held without final action until a suitable management strategy for the Banbury area is developed. A meeting on this strategy is planned for October 15th in Buhl. At that time the amendment will be reviewed.

If you have any questions, contact our Twin Falls Office or me.

Sincerely,

JOHN E. BEAL, Supervisor
Construction Permits Section

JEB:ldt

Enclosure

CC: IDWR - Southern Region

MICROFILMED

MAR 20 1987

RECEIVED

FRED HENRY
TELEPHONE 432-5581

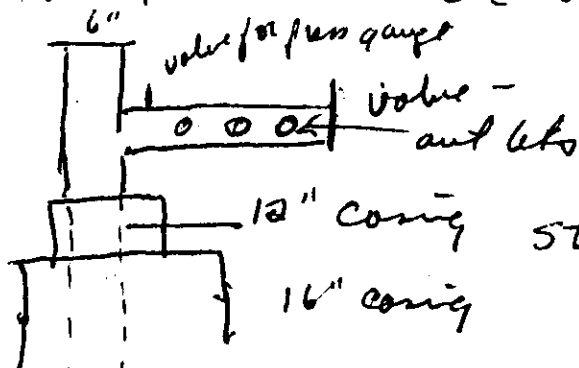
BOLEY & HENRY
WELL DRILLING
MURTAUGH, IDAHO 83344

SEP 23 1985

Department of Water Resources

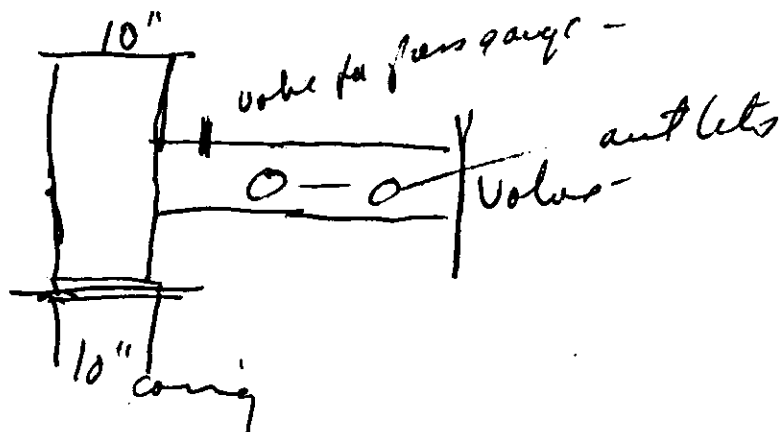
Hello John -

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



Wayne Marshall well -

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



MICROFILMED

MAR 20 1987

(over)

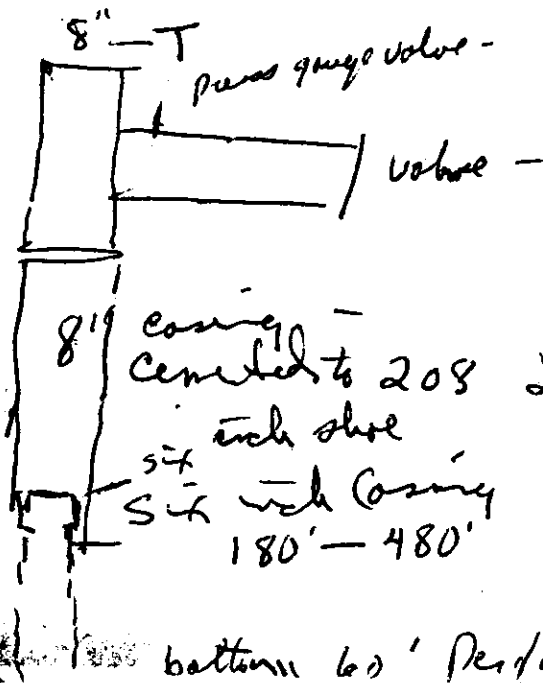
We have just put a liner (300 feet $\frac{1}{2}$ ") in the first well we drilled for Bob King - along Salmon Falls Creek. It had been casing in - it had 208 feet of 8' casing in and so now its cased to bottom 480'. There is

File 47-7520 another well by w/ 125' of casing in it (Depew's) it is also casing - we didn't drill it but I understand they want it cleaned out and a liner put in so they can put a generator on it to make electricity for a home they expect to build there. I'm not filing a protest, I don't have any property down there, but I sure wish you wouldn't let them do that. Its such a waste, the temp is 155 to 160°.

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

MICROFILMED

MAR 20 1981



Sincerely

Blaine Boloy

if you have any question drop me a line I'm hard to catch on the phone - these log copies are 24 hrs, you can dispose of them as you wish -

bottom 60' Perforated



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

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

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

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

(2)THE DEPARTMENT (SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

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

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

MAR 20 1987

To: File

FROM: Jim

6-12-85

RE: AMENDMENT REVIEW

BEFORE AMENDMENT

2 cfs Heating
0.2 cfs Irrigation 5 Acres.

AFTER AMENDMENT

2.0 cfs RECREATION
2.0 cfs Heating
0.10 cfs Domestic

SEE ATTACHED SHEET FOR CALCULATIONS.

ANALYSIS:

1. DEPARTMENT POLICY NORMALLY requires a reduction of ^{A EXISTING} water use when a ^{NEW} water use is added.

Here, Irrigation of 0.2 cfs is being removed and 0.10 cfs for Domestic and 2.0 cfs for Recreation is being added.

Although ^{110 ft³} irrigation is being removed, 2.0 cfs for RECREATION is BEING ADDED, RESULTING IN A ADDITION OR AN EXPANSION OF WATER USE OVER THE ORIGINALLY ^{AMOUNT} APPLIED FOR. ~~USE~~.

RECOMMEND Amendment application be either Denied or changed so that expansion is removed.

MICROFILMED

MAR 20 1987

<u>ORIGINAL Use:</u>	<u>RATE</u>	<u>ANN. Vol.</u>	<u>C.U.</u>
Heating	2.0	1448	1448
Irrig. (5 acres)	0.2	20	14.8 *

PROPOSED Change:

RECREATION	2.0	1448	1448
HEATING	2.0	1448	1448.
Domestic (4 units)	0.1	4.8	2.4 **

* consumptive use rate for Alfalfa using Twin Falls
Data used. (36.8 in/ac)

** Assume 50% consumption

Note, Loren's memo assumes that 4 domestic uses include irrigation of $\frac{1}{2}$ acre each, however, since there are more than one domestic ~~area~~^{house} hold being supplied water under this system, an irrigation plus domestic uses must be used if water is planned to be used for lawn watering.

ANALYSIS FOR Proposed Uses should be:

Heating	2.0 cfs	1448 AC-FT	1448 AC-FT
IRRIGATION (2 ac)	0.04 cfs	8 " "	6.1 "
Domestic (4 units)	0.08 cfs	24 " "	0 "
RECREATION ←	Not ALLOWED		

24
MICROFILMED

MAR 20 1981



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

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

March 12, 1985

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

Re: Notice of Amendment to a Water Permit No. 47-7520
Notice of Amended Claim to a Water Right No. 45-4070

Gentlemen:

Enclosed you will find 2 legal notices 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 notices are 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.

Very truly yours,

Mary A. Newby
Sec/Office Coord.

Encl:

MICROFILMED

MAR 20 1985

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 47-7520

Notice is hereby given that Ray and/or Glen Depew of Wendell, Idaho are holders of approved permit No. 47-7520 authorizing the diversion of 2.0 cubic feet per second of water from 2 groundwater sources in the NWSE, Sec. 30, T8S, R14E, B.M. Twin Falls County, to be used for irrigation of 5 acres and heating of homes and greenhouses within NWSE, Sec. 30, T8S, R14E. The permit holders have applied to the Department of Water Resources for an Amendment to the permit, to add a diversion point and add domestic and recreation and delete irrigation as follows:

Point of Diversion: Two points of diversion within the NWSE, Sec. 30, T8S, R14E, B.M., Twin Falls County

Use: 2.0 cfs for Recreation from Jan. 1 to Dec. 31
2.0 cfs for Heating from Jan. 1 to Dec. 31
0.10 cfs for Domestic from Jan. 1 to Dec. 31

Place of Use: No change

Any protest against approval of the amending of permit No. 47-7520 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 April 8, 1985.

A. KENNETH DUNN
Director

Published in the Times News March 21 and March 28, 1985.

MICROFILMED

MAR 20 1985

**NOTICE OF AMEND-
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A. Kenneth Dunn

Director

PUBLISH: Thursdays,
March 21, and 28, 1985.

*sb
maye
3/19/85*

MICROFILMED

MAR 20 1985

3/11/85

Memo.

From L.H.

TO File 47-1520 - Denver

Re: Analysis of changes in use

The following Quantities are used in this analysis:

Irrigation Diversion requirement: 4.0 AFA/Acre

Domestic Diversion - 1000 gpp/Residence $\Rightarrow$ 1.12 AFA/Res.

Diversion volumes are used because groundwater diverted from this attesting system is consumed with respect to other groundwater rights.

The amount required for 4 homes with $\frac{1}{2}$ Acre each irrigated is 12.48 AFA.

The amount required to irrigate 5 Acres is 20.0 AFA.

The Conversion from irrigation reduces the volume of water required to be diverted.

The Addition of The recreation use can only be Permitted if the Permit is conditioned so that Only water actually & Beneficially used for heating can be re-used for recreation.

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MAR 20 1981

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 Ray &/or Glen Depewof (address) Route #2 Box 115A, Wendell, ID 83355, 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. 47-7520, and requests that the permit and permit map be changed as follows:

1. Point of diversion: N.C. $\frac{1}{4}$ $\frac{1}{4}$, Section , Township , Range , B.M.,
County of . Other points of diversion:

There will be two p/ds within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30.

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

Amount 2 cfs for Recreation purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre feet per annum)* Amount 2 cfs for Heating purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre feet per annum)Amount 0.10 cfs for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre feet per annum)* Amount 0.04 for IRRIGATION purposes from MAR 15 to Nov 15 (both dates inclusive)
(cfs or acre feet per annum)Total Flow: 2.0 cfs* changes made per
telecon w/ RAY DEPEW
7-29-85 J.J.

3. Place of use or land to be irrigated: No Change

TWP	RGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Applicants
- b. Who owns the land to be irrigated or the place of use? " & Depew Bros. Inc.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: The land is owned by the permittees as individuals and
also by them as a corporation.

MICROFILMED

MAR 20 1987

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

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

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 Winn Falls, this 5 day of March, 19 85.

Ray Dyer
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by Adm Fee = \$20.00

Received by JD Date 3-5-85 # 35288

Publication prepared by m242 Date 3/12/85

Published in Times News

Publication dates 3/21 & 3/28/85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, _____, Director of the Department of Water Resources hereby

MICROFILMED

MAR 20 1985

Witness my hand this _____ day of _____, 19 _____.

Director

MEMORANDUM

May 24, 1984

TO: File 47-7520

FROM: John Beal

RE: 47-7520, Banbury Groundwater Management Area

Attached is the well log for this permit. Apparently, Depew has drilled the well prior to filing the water right, therefore he drilled prior to the supplemental order of May '83.

Well construction appears adequate. I assume the water encountered at 90 - 110 feet was warm. If it was cold, additional casing should have been run.

Well log was misfiled (well driller mislabeled legal in Sec. 3).

MICROFILMED

June 1, 1984

Ray or Glen Depew
Route 2 Box 115A
Wendell, ID 83355

Gentlemen:

Re: Permit No. 47-7520

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to June 1, 1989.

In connection with the development of a water right under this permit, the Department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later-in-time uses. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

Sincerely,

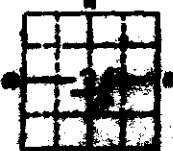
RITA I. FLECK
Secretary/Records Manager

Enclosure

MICROFILMED

WELL DRILLER'S REPORT

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

1. WELL OWNER Name <u>Ray Boone + Son Dep Co</u> Address <u>WENDU, IDAHO</u> Owner's Permit No. _____	7. WATER LEVEL Static water level _____ feet below well mouth Flowing? ☒ Yes ☐ No G.P.M. flow <u>1000 approx</u> Artesian closed-in pressure <u>95</u> p.s.i. Controlled by: ☒ Valve ☐ Cap ☐ Plug Temperature <u>61</u> °F. Quality _____																																																																																		
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☐ Sailer ☐ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																																															
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3. PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☒ Other <u>WATER PUMPING</u> (specify type) _____	9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Mole Depth</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th rowspan="2">Water Yield</th> </tr> <tr> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr><td>0</td><td>0</td><td>35</td><td>CLAY</td><td>X</td></tr> <tr><td>35</td><td>35</td><td>38</td><td>GRAVEL + WATER</td><td>X</td></tr> <tr><td>38</td><td>38</td><td>90</td><td>MED. HARD GRAY LAM. @</td><td>X</td></tr> <tr><td> </td><td> </td><td> </td><td>CLAY + STEEP DR. BED</td><td>X</td></tr> <tr><td> </td><td> </td><td> </td><td>DISCONTINUOUS FORMATION</td><td>X</td></tr> <tr><td>90</td><td>90</td><td>110</td><td>DISCONTINUOUS FORMATION</td><td>X</td></tr> <tr><td>110</td><td>110</td><td>135</td><td>GRAY LAM. @ CLAY</td><td>X</td></tr> <tr><td>135</td><td>135</td><td>140</td><td>RED CLAY</td><td>X</td></tr> <tr><td>140</td><td>140</td><td>150</td><td>GRAY CLAY</td><td>X</td></tr> <tr><td>150</td><td>150</td><td>170</td><td>SOLID GRAY LAM.</td><td>X</td></tr> <tr><td>170</td><td>170</td><td>175</td><td>GRAY LAM. + CLAY</td><td>X</td></tr> <tr><td>175</td><td>175</td><td>220</td><td>SOLID LAM.</td><td>X</td></tr> <tr><td>220</td><td>220</td><td>305</td><td>CLAY - 225' HARD LAM.</td><td>X</td></tr> <tr><td>305</td><td>305</td><td>420</td><td>BLACK ROCK + CLAY RTX</td><td>X</td></tr> <tr><td>420</td><td>420</td><td>450</td><td>HARD BLACK LAM.</td><td>X</td></tr> </tbody> </table>	Mole Depth	Depth		Material	Water Yield	From	To	0	0	35	CLAY	X	35	35	38	GRAVEL + WATER	X	38	38	90	MED. HARD GRAY LAM. @	X				CLAY + STEEP DR. BED	X				DISCONTINUOUS FORMATION	X	90	90	110	DISCONTINUOUS FORMATION	X	110	110	135	GRAY LAM. @ CLAY	X	135	135	140	RED CLAY	X	140	140	150	GRAY CLAY	X	150	150	170	SOLID GRAY LAM.	X	170	170	175	GRAY LAM. + CLAY	X	175	175	220	SOLID LAM.	X	220	220	305	CLAY - 225' HARD LAM.	X	305	305	420	BLACK ROCK + CLAY RTX	X	420	420	450	HARD BLACK LAM.	X
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305	305	420	BLACK ROCK + CLAY RTX	X																																																																															
420	420	450	HARD BLACK LAM.	X																																																																															
4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dig ☐ Other _____	10. WORK SCHEDULE Work started <u>4-19-79</u> ended <u>4-24-79</u>																																																																																		
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>2.50</u> inches</td> <td><u>8"</u> inches</td> <td><u>1</u> foot</td> <td><u>90</u> feet</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> Was casing drive shoe used? ☐ Yes ☐ No Was a pecker or nail used? ☐ Yes ☐ No Perforated? ☐ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> Well screen installed? ☐ Yes ☐ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface test depth <u>90</u> Material used in test: ☒ Cement grout ☐ Pudding clay ☐ Well cuttings Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overlaid to seal depth Method of joining casing: ☐ Threaded ☐ Welding ☐ Solvent Weld ☐ Cemented between casing Describe upper part _____	Thickness	Diameter	From	To	<u>2.50</u> inches	<u>8"</u> inches	<u>1</u> foot	<u>90</u> feet													Number	From	To										11. DRILLER'S CERTIFICATION I hereby certify that all minimum well construction standards were complied with at the time the rig was removed. Print Name <u>Edwin D. Dorman</u> No. <u>31</u> Address <u>PO Box 9815</u> <u>72419</u> Signed by (Print Name) <u>Edwin D. Dorman</u> and <u>Bo Dorman</u>																																																		
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6. LOCATION OF WELL Sketch map location must agree with written location.  Section <u>Salmon</u> River <u>Ranches</u> County <u>Franklin</u>	12. NOTES _____ _____ _____																																																																																		



ate 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

May 17, 1984

Ray or Glen Depew
Rt. 2 Box 115 A
Wendell, ID 83355

PERMIT NO. 47-7520

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. 34625

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

May 14, 1984

Ray and Glen Depew
Route 2, Box 115A
Wendell, ID 83355

Gentlemen:

Re: Permit No. 47-7520

Enclosed is the Request for Extension of Time submitted on the above-referenced permit. Please be advised that the Department cannot take action on the request until the \$15.00 filing fee is submitted along with the request.

Please note that this permit is in the Banbury Hot Springs Groundwater Management Area. The Department supplemented the permit with an Order dated May 2, 1983 with special conditions which must be met. Enclosed for quick reference is a copy of the that Order. Please advise me as to the extent you have gone to to comply with these conditions.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

RECEIVED
MAY 15 1984
FBI - WENDELL

INTER-DEPARTMENT MEMO — 1

FROM Jim, Southern

DATE 2-27-84

TO Rita

SUBJECT Extra Proof Notice, 47-7520 (Ray & Glen Depew)

Please send a copy of the proof notice to John Rosholt, Box 1906, Twin Falls, ID, 83303. Proof is due 6-1-84 on this permit. Thanks.

RECEIVED



SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

138581

DEPEW, RAY & GLEN
ROUTE 2
WENDELL, ID 83355

PROOF DUE NOTICE

MARCH 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 47-7520 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1984. (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,

RETA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

cc: John Rosholt, Attorney



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

May 2, 1983

Dear Permit Holder:

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

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

Sincerely,

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

DRT:rf

Enclosure

RECEIVED



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

57-9570

June 27, 1979

Ray and/or Glen Depew
Route #2
Wendell, Idaho 83855

Dear Mr. Depew,

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval 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.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

David R. Tuthill, Jr.

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

Enclosures

MISSING FILMED

DRT:lr

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

JUNE 4, 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 JUNE 4, 1979.

Yours truly,

Mary A. Hill
Secretary

Encl.

MICROFILMED

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:

42-2520-

DEPEW, RAY &/or GLEN

ROUTE 2, WENDELL, ID 83355

Source: GROUNDWATER

Date Filed: 04/25/1979

Amount: 2.00 CFS

Diversion Point: NWSE Sec 30 T 08S R 14E, TWIN FALLS Co.

Use: HEATING	(2.00 CFS)	from 01/01 to 12/31
IRRIGATION	(2.00 CFS)	from 03/15 to 11/15

Place of Use: NWSE Sec 30 T 08S R 14E FOR 5 ACRES

Diversion Means: WELL, PIPELINES TO PLACE OF USE

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 JUNE 4, 1979.

C. STEPHEN ALLRED

Director

Published 5/17 & 5/24/79.

MICROFILMED

ok
merya
5/16/79

47-7520
DEPEW, RAY &/or GLEN
ROUTE 2, WENDELL, ID
83355
Source: GROUNDWATER
Date Filed: 04/25/1979
Amount: 2.00 CFS
Diversion Point: NWSE Sec
30 T 08S R 14E, TWIN
FALLS Co.
Use: HEATING (2.00 CFS)
from 01/01 to 12/31
IRRIGATION (2.00 CFS)
from 03/15 to 11/15
Place of Use: NWSE Sec 30
T 08S R 14E FOR 5 ACRES
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the Idaho Department of
Water Resources, 1041 Blue
Lakes Blvd. North, Twin
Falls, Idaho 83301 and
received on or before JUNE
4, 1979.
C. STEPHAN ALLRED
Director
PUBLISH: Thursday, May 17,
and 24, 1979.