

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-08056

Priority: February 27, 1991

Maximum Diversion Rate:

0.62 CFS

This is to certify, that CITY OF LAVA HOT SPRINGS
PO BOX 187

LAVA HOT SPRINGS ID 83246 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 15, 1991; and has submitted Proof of Beneficial Use on June 13, 1994. An examination indicates that the works have a diversion capacity of 0.620 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.62 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 20, Township 09S, Range 38E
BANNOCK County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. Place of use is located within the city limits of Lava Hot Springs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 9TH day of APRIL, 1990.

MICROFILMED
APR 15 1998


Acting for KARL J. DREHER, Director

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-08056

Date of Priority: February 27, 1991 Maximum Diversion Rate: 0.62 CFS
Comes now CITY OF LAVA HOT SPRINGS
PO BOX 187
LAVA HOT SPRINGS ID 83246 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. 29-08056, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.62 CFS	

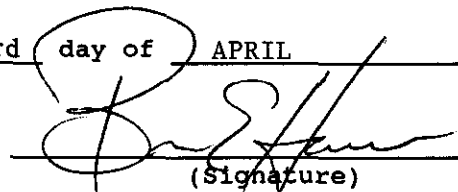
LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 20, Township 09S, Range 38E
BANNOCK County

PLACE OF USE: See Remarks

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

Signed at Lava City Hall, 115 W. Elm this 3rd day of APRIL, 1998.

MICROFILMED
APR 15 1998


(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-08056

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 5000 Received by BB # 6041918 Date 4/6/98

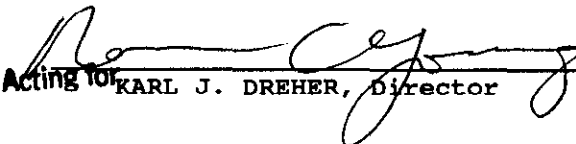
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 29-08056 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. Place of use is located within the city limits of Lava Hot Springs.

Witness my hand this 9TH day of April, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED
APR 15 1998

IN THE MATTER OF PERMIT NO. 29-08056

IN THE NAME OF CITY OF LAVA HOT SPRINGS

JUN 28 1994

RECEIVED
JUN 13 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

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

1. Permit No. 29-08056 Telephone No. (208) 776-5820

2. Name(s) of Permit Holder(s): City of Lava Hot Springs

3. Post Office Address: P.O. Box 187, Lava Hot Springs, ID 83246

4. Source of Water: Groundwater

a. If ground water, well driller's name: Nelson Drilling Date drilled: August 13, 1991

b. Pump horsepower: 30 Pressure (psi): 85 Dynamic pumping level (ft.): 480

5. Extent of Use:

Domestic _____ (No. of households) Irrigation _____ (No. of acres)

Stockwater _____ (No. and type of stock) Other Municipal

6. Total rate and/or volume for which proof is submitted .22 cfs _____ acre/feet

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

Measuring device: Required? Yes XNo Installed? XYes YesNo

OR
Flow Measurement Port: Required? XYes YesNo Installed? Yes XNo

8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)

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

Kenneth Tillotson, Maintenance Supervisor (208) 776-5820
Name Telephone No.

Lava City Hall, 115 West Elm, Lava Hot Springs, ID 83246
Address

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

May 18, 1994
Date

Newton J. Lowe - Mayor
Signature (and title if on behalf of a company or organization)

RECORDED

JUN 28 1994

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-08056

Proposed Priority: February 15, 1991 Maximum Diversion Rate: 2.00 CFS
This is to certify, that CITY OF LAVA HOT SPRINGS

P.O. BOX 187

LAVA HOT SPRINGS, ID 83246

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	2.00 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		NWSE Sec. 20, Township 09S, Range 38E BANNOCK County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1994.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. Place of use is located within the city limits of Lava Hot Springs.

RECEIVED

MAY 30 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-08056

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

23rd day of May, 1991

R. Keith Higginson
for R. Keith Higginson, Director

RECORDED
MAY 30 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant City of Lava Hot Springs Phone 776-5820
Post office address PO Box 187, Lava Hot Springs Idaho 83246
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is _____ 1/4 of NW _____ 1/4 of SE _____ 1/4, Govt. Lot _____
Sec. 20 Township 9S Range 38E B.M. Bannock County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 2.0 for Municipal purposes from 1 January to 31 Dec (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)
5. Total quantity to be appropriated is (a) 2.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. well and pump to the municipal distribution system for the city.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 12" inches; proposed depth of well is 150' feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
3 years (minimum 1 year).

RECEIVED

MAY 30 1991

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. City of Lava Hot Springs
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			within the city limits of the city of Lava Hot Springs.																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 29-04229/04230/07346.

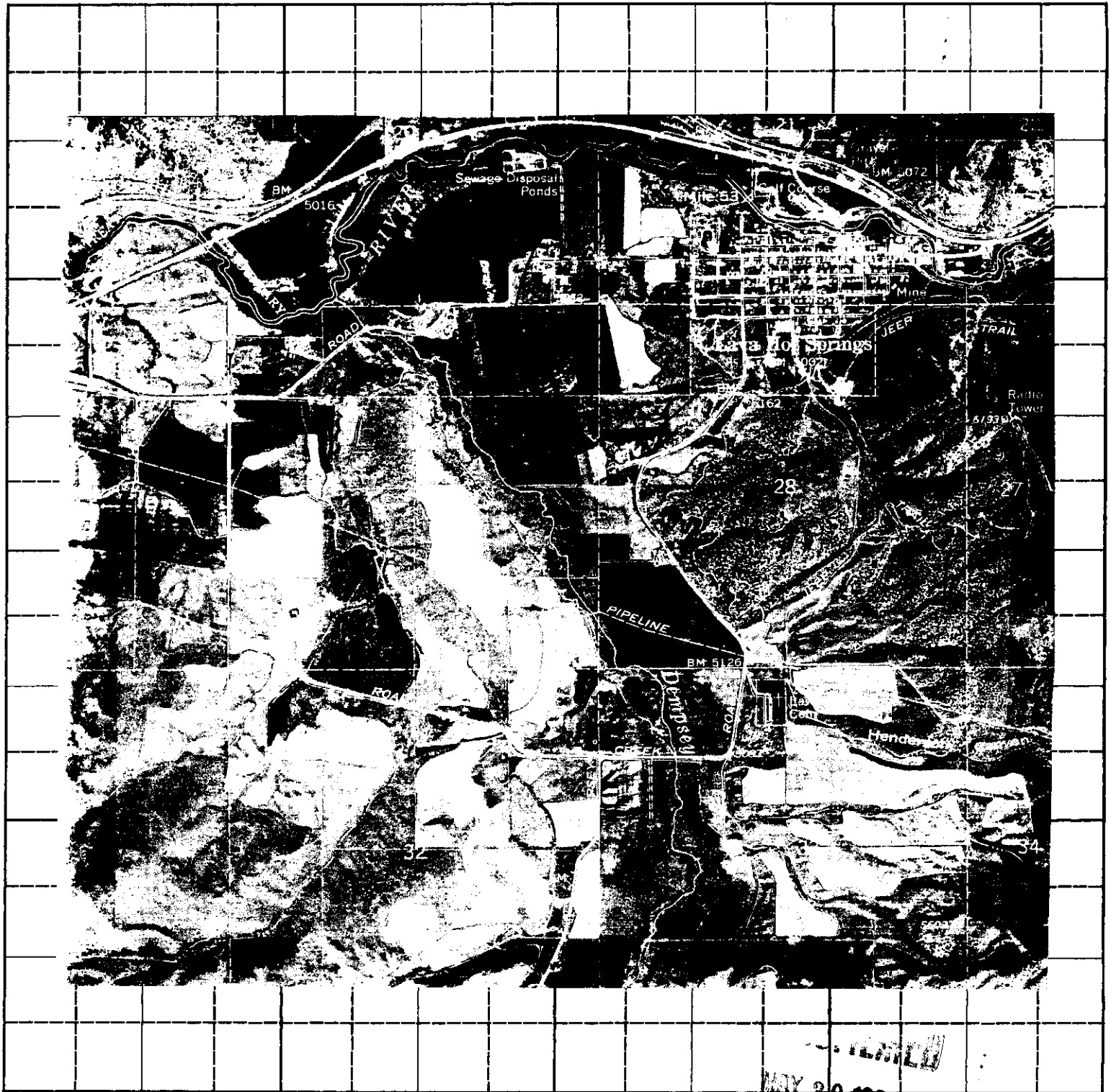
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

RECEIVED

MAY 30 1991

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



Scale: 2 inches equal 1 mile.

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

Newton J. Lowe
(Applicant)

15 Feb 91

Received by AMS Date 9:54 AM Time _____ Preliminary check by _____
Fee \$ 65⁰⁰ Received by AMS # EO15691 Date 15 February 91
Publication prepared by RB Date 4-4-91 Published in ID State Journal
Publication approved QW Date 4-26-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

MICROFILMED

MAY 30 1991

PROOF OF PUBLICATION

RECEIVED

APR 12 1991

STATE OF IDAHO
County of Bannock

SS.

Department of Water Resources
Eastern District Office

Sandra K. Wann

WATER RIGHTS
29-08056
CITY OF LAVA HOT SPRINGS
P.O. BOX 187
LAVA HOT SPRINGS, ID 83246
Source: GROUNDWATER
Diversion Pt: NWSE Sec 20 T 09S R 38E
Use: MUNICIPAL (2,000 CFS)
Total Diversion: (2,000 CFS)
Date Filed: 2-15-1991
In:
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before APRIL 22, 1991.
R. Keith Higginson, Director
April 4, 11, 1991
Ln.399

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

4 April	1991	19__
11 April	1991	19__
	19__	19__
	19__	19__
	19__	19__

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Sandra K. Wann

STATE OF IDAHO

COUNTY OF Bannock

On this 11th day of April in the year of 1991, before me, a Notary Public, personally appeared Sandra K. Wann, 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.

Jerri L. Larsen
Notary Public for Idaho
Residing at Pocatello
By commission expires: July, 1991

RECORDED

MAY 30 1991



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

April 9, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF LAVA HOT SPRINGS
PO BOX 187
LAVA HOT SPRINGS ID 83246

RE: WATER RIGHT NO. 29-08056

Dear Water Right Holder(s):

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

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

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APR 15 1998

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

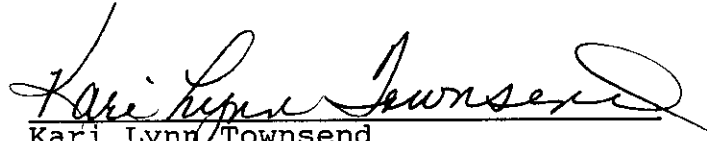
APR 15 1988

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of April, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 29-08056

CITY OF LAVA HOT SPRINGS
PO BOX 187
LAVA HOT SPRINGS ID 83246


Kari Lynn Townsend
Secretary

RECORDED

APR 15 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

March 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF LAVA HOT SPRINGS
PO BOX 187
LAVA HOT SPRINGS ID 83246

RE: WATER RIGHT NO. 29-08056

Dear Permit Holder(s):

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

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

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

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

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

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APR 15 1998

LICENSE REVIEW CHECKLIST

PERMIT NO 29-08056

DATE 7/23/96

REVIEWER: S H A R L A

NAME Change OK Address Change NO
 SOURCE Change OK Is change clarification of originally intended source? NO
 If not, prepare Notice of Intent to Void NO
 POINT OF DIV Change OK Amendment required yes
 PLACE OF USE Change OK Amendment required NO
 Does map agree with written description? yes no

OVERLAPS NO P/D NO P/U

RATE OF DIV

Permitted Rate 2.0 cfs

Fee limit 1.0 cfs

Measured 0.62 cfs

Theoretical 0.62 cfs

Recommended Total Div Rate 0.62 cfs

ANNUAL VOLUME/ NATURE OF USES

Use Municipal Volume Calculation NO VOLUME af
LISTED af
af
af
 SUBTOTAL af

Flow rate 0.62 cfs X 365 days X 1.9835 = 441.5 af

Total volume recommended 441.5 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

All City limits of Lava Hot Springs.

CONDITIONS NO Watermaster Control WD# NO

NO GW Measurement/Measuring Device

NO Overlap

NO Use-specific conditions 048,049

Advancement of Priority Date Required NO yes NO no

SRBA Claim Filed N/A

Adjustment Memo NO

1st Amend Letter P39, P38

2nd Amend Letter P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

MAR 11 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-08056

1. Owner: CITY OF LAVA HOT SPRINGS Phone No. (208) 776-5820

Current Address: P.O. Box 187, LAVA HOT SPRINGS, IDAHO 83246

2. Accompanied by: NEWT LOWE EXAM DATE: 2/14/94

Address: SAME AS ABOVE Phone No. (208) 776-5820

Relationship to Permit Holder: MAYOR

3. Source: GROUNDED WATER tributary to N/A

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 29-04229, 29-04230, 29-07346, 29-07936

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

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	SE	20	09S	38E	BAWDOCK	U.S. G.S. TOPO PHOTO

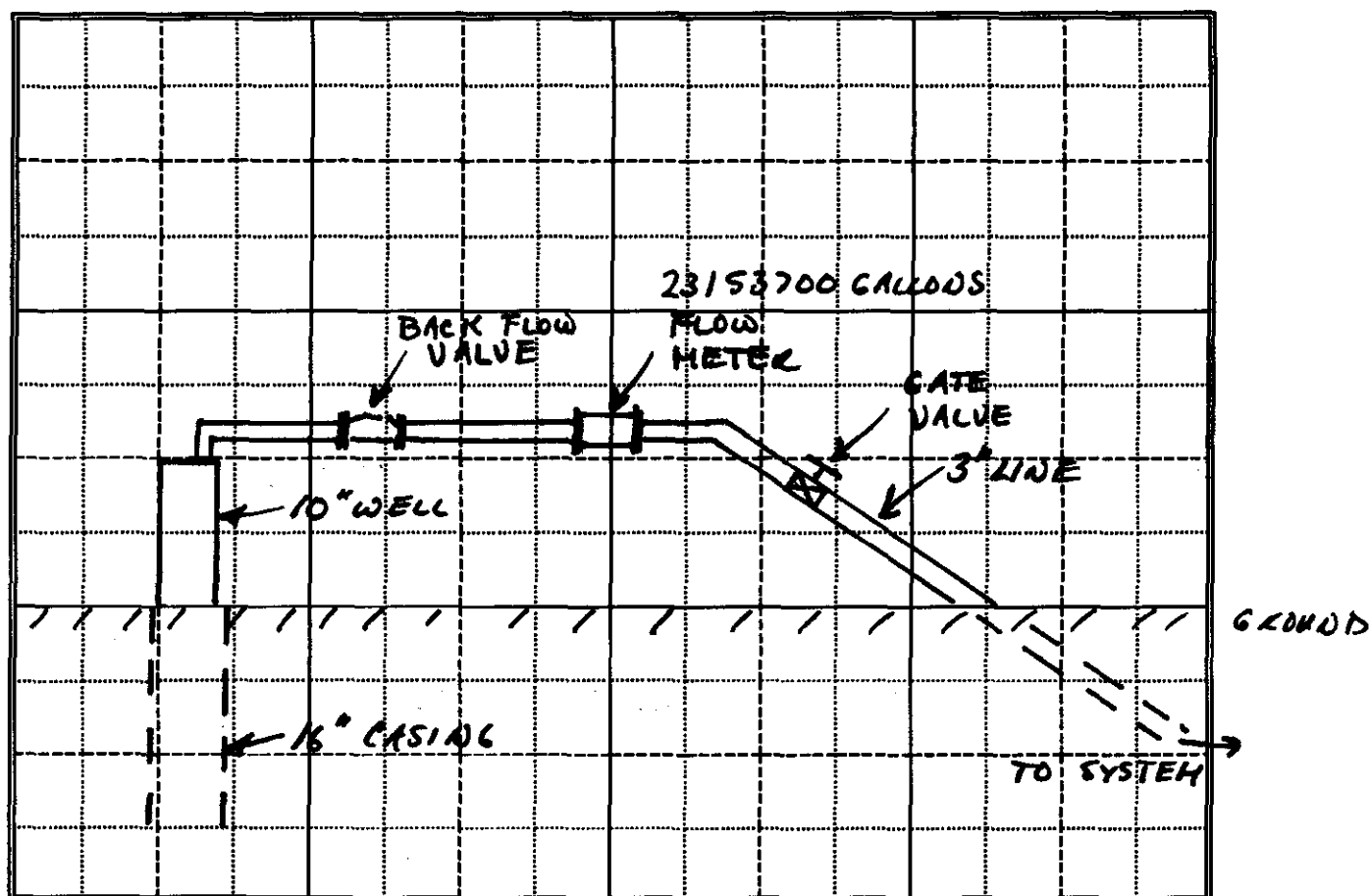
2. Place(s) of Use: MUNICIPAL

Indicate Method of Determination ON SITE Insp.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL #2	KENT C701	30	91003467		3"

*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: FLOW METER READING - CONSUMPTION TO DATE 23153700 GAL.
KENT - C701 COLD WATER TURBINE

MICROFILMED

APR 15 1998

E. NARRATIVE/REMARKS/COMMENTS

ON 2/14/95 A FIELD EXAM WAS CONDUCTED FOR THE CITY OF LAVA HOT SPRINGS.

THIS WATER SYSTEM IS A MUNICIPAL WATER SYSTEM WHICH IS ALL UNDERGROUND PIPEL EXCEPT AT WELL CONTROL ROOM AND INDIVIDUAL SYSTEM USERS.

WELL # 2 IS A BACKUP WELL USED MAINLY THRU THROUGH OCTOBER. THE WELL WAS DRILLED BY NELSON DRILLING IN 1991 (29-91E-005).

WELL 16" IN DIAMETER

76' STATIC WATER

560' DEPTH OF WELL

500' PUMPING LEVEL

92 PSI SYSTEM PRESSURE

PUMP SUBMERSIBLE 30 HP

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

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APR 15 1998

F. FLOW CALCULATIONS

Measured Method:

☒ Additional Computation Sheets Attached**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diverson Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

Theoretical
PERMITS LIMITS TO 0.62 CFS.
(4100 A.U. Rec would have covered 0.62 cfs)

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diverson Q (cfs)	Annual Volume V (afa)
	From	To		
<u>MUNICIPAL</u>	<u>1/1</u>	<u>12/31</u>	<u>0.62</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.62</u>	_____

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. AUTHENTICATIONField Examiner's Name DON SIMPKINS Date 12/11/95Reviewer *[Signature]* Date 2-28-96

SEAL

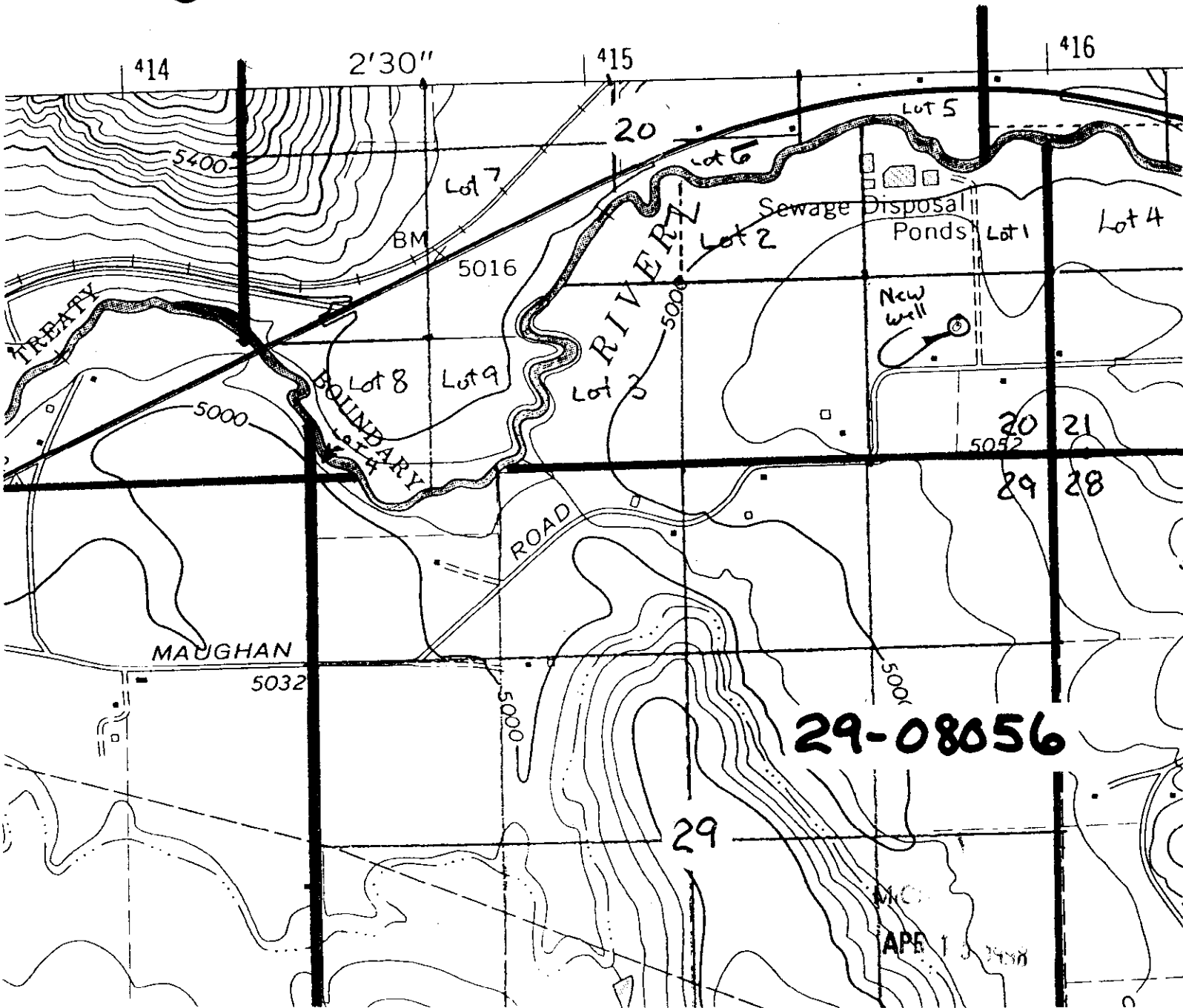
MICROFILMED

APR 15 1998

T9S R38E

LAV

7.



Sec. 19.

25.95

FALLS, 4' HIGH

BUTTERFIELD

CLARK WILSON

14

Sec. 30.

669.06

29-08056

15 1998

OVERICK

Sec. 20.

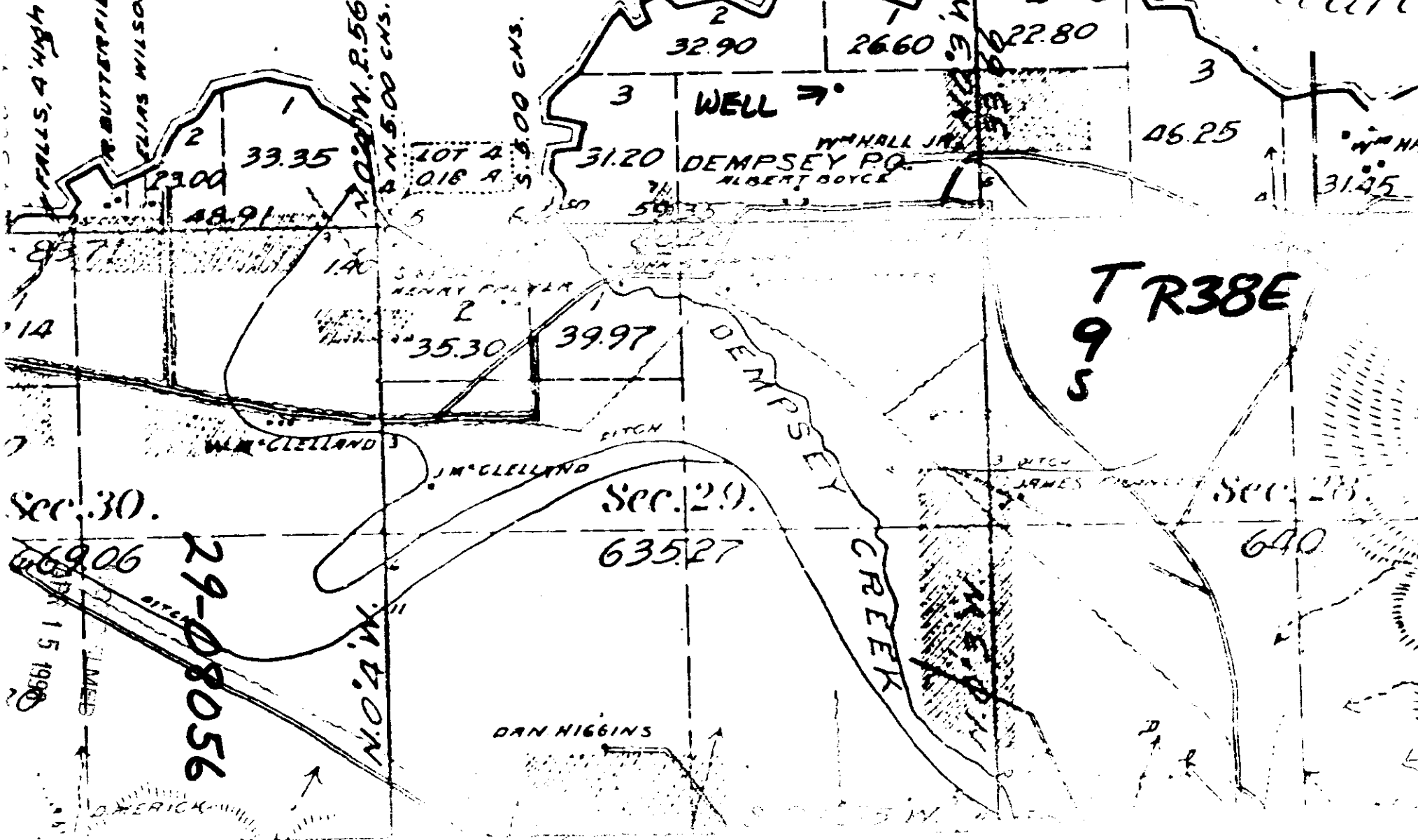
170.88

Port Hill

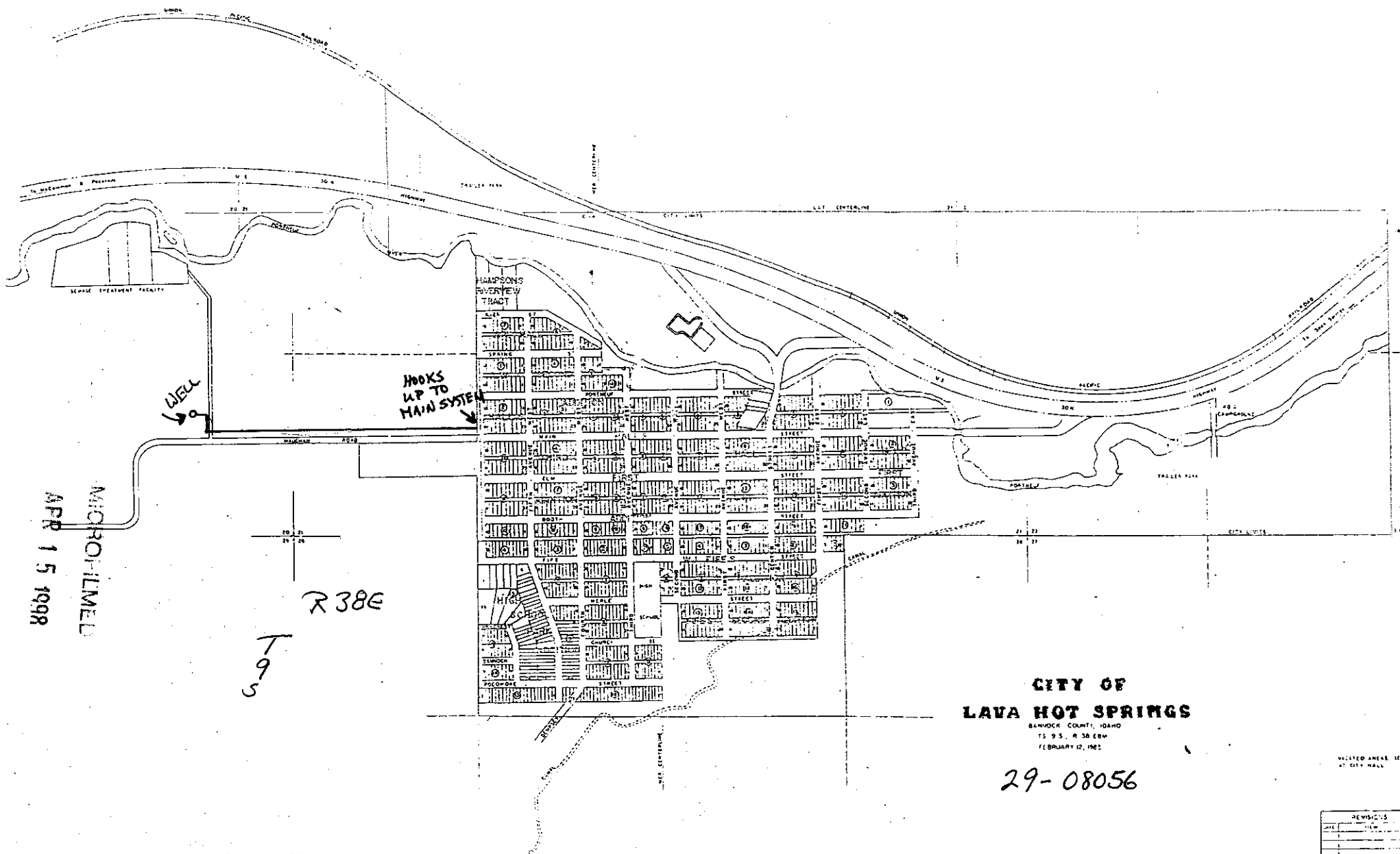
Sec. 21.

160.70

medium



TR38E
9
5



CITY OF LAVA HOT SPRINGS

BENEWAH COUNTY, IDAHO
T5 9 S., R 38 E.W.
FEBRUARY 12, 1962

29-08056

VACATED AREAS, SEE CITY HALL

REVISIONS	
DATE	REVISION

SCALE = 1" = 200'

CITY OF LAWA HOT SPRINGS

141



WELL AND
CONTROL
HOUSE



VIEW OF
WELL AND
CONTROLS

29-08056

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

$$Hp = \text{Horsepower} = \underline{30}$$

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

$$\text{Lift: (Static Level + Assumed Drawdown)}$$

$$\text{Static Water Level} = \underline{76} \text{ ft.}$$

$$\text{Assumed Drawdown} = + \underline{10} \text{ ft.}$$

$$\text{Lift} = \underline{86}$$

OR

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

$$psi = \text{Operating Pressure} = \underline{92} \text{ psi}$$

$$Q_{cfs} = [\underline{30}_{Hp} \times 8.814 \times \underline{.7}_{Eff}] \div [\underline{86}_{Lift} + (\underline{92}_{psi} \times 2.308)]$$

$$Q_{cfs} = [\underline{185.094}] \div [\underline{298.336}]$$

$$Q_{cfs} = \underline{0.62} \text{ cfs}$$

29-08056

UNRECORDED

APR 15 1998

SD-0601-2 Last Name: CITY OF LAVA HOT SPRINGS

STATE

S	O	First	Water	Priority		Total	Use
E	W	Name	Right No.	Date	Source	Diversion	Code Desc
L	N						

CITY OF LAVA HOT SPRINGS

C	29-04229	08/06/1951	GROUNDWATER	0.110	40	MUNI
C	29-04230	10/20/1921	SPRINGS	0.500	40	MUNI
C	29-07012	00/00/0000		0.00		
C	29-07018	00/00/0000		0.00		
C	29-07346	09/28/1976	GROUNDWATER	0.310	40	MUNI
C	29-08056	02/27/1991	GROUNDWATER	2.000	40	MUNI
C	29-07936	03/14/1990	SPRING	1.000	22	HEAT

(Enter=Continue)

(GOLD 7=This Query)

(Menu)

ORIGINAL

APR 15 1998

29-08056

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 29-08056

Reviewed by QJ

Date 6-24-94

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
no Proof timely received?
If not, complete calculation below.

Municipal
Correct Uses? yes

SOURCE OF WATER

Surface water source
✓ Ground water source

yes Drilling permit required?
no Copy in the file? Drilling Permit No. 29-91-E-0005-000
200.00 Amount paid for permit yes Correct?
no Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
100.00 Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
yes Installed?
✓ Waiver requested?

PRIORITY CALCULATION

Date proof received 6-13-94
Date proof due 6-1-94 -
No. of days late 12 =
Priority Date 2-15-94 +
New Priority Date 2-27-94

DEFICIENCIES OR ACTION ITEMS

Proof acceptable
advance priority to February 27, 1991.

DATA ENTRY

New Address X

Proof Made 6-13-94

June 27, 1994

CITY OF LAVA HOT SPRINGS
P O BOX 187
LAVA HOT SPRINGS ID 83246

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 29-08056

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating your permit since the Proof of Beneficial Use form was submitted after the proof due date. Please note that the priority date has been advanced to February 27, 1991.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

RECEIVED

JUN 28 1994

WARNING

CANCELLED OR LAPSED

This permit has been officially CANCELLED or LAPSED.

Ninety days following the date of official action this file will be DESTROYED.

MAILED
JAN 11 1964

June 7, 1994

CITY OF LAVA HOT SPRINGS
P.O. BOX 187
LAVA HOT SPRINGS ID 83246

LAPSE NOTICE

RE: PERMIT NO. 29-08056

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated March 31, 1994. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

RECEIVED

JUN 28 1994

CERTIFICATION OF MAILING

I hereby certify that on 6-7-94
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

March 31, 1994

CITY OF LAVA HOT SPRINGS
P.O. BOX 187
LAVA HOT SPRINGS ID 83246

PROOF DUE NOTICE

RE: PERMIT NO. 29-08056

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, 1994. (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.

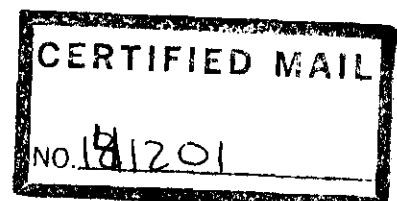
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

JUN 28 1994





State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 24, 1991

CITY OF LAVA HOT SPRINGS
P.O. BOX 187
LAVA HOT SPRINGS, ID 83246

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08056

Dear Permit Holder:

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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

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

MICROFILMED

MAY 30 1991

Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

RECEIVED
MAY 30 1987

APPLICATION FOR PERMIT REVIEW

Application #: 29-8056
Date: 5-26-91

Reviewer: Pam Skaggs *PS*

Existing:

☒ No - 26A-P17
Complete in 1 year - P16

Yes

Proof not submitted - P16

Proof submitted - N/A

Groundwater:

GT. 0.7 cfs - 01G-P03, ~~01G-P03~~ (existing well)

LT. 0.7 cfs - N/A

Drilling Permit:

Approved w/permit - P99

☒ Not included

- 046-P23 (All GW, even existing wells)

Location:

Water Districts - WD No.

Surface water - 005, 005-01H-P01 (LT.7 w/pump)

005-01J-P08 (GT.7)

Groundwater - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

Swan Falls Flag - 1 (1, Blank or Other)

Trust - 051-052-053-P74 (Cons.), 041 (DCMI, w/Irr

☒ Non Trust - 048-049 or Irr & Dom)

River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 05A & 11E

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A or 010, 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

☒ Beneficial Use Due Date: - 06-01-1994
Other Conditions Recommended

MICROFILMED

MAY 30 1991

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

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 26, 1991

IDAHO STATE JOURNAL
P.O. BOX 431
POCATELLO, ID 83204

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before APRIL 22, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED

MAY 30 1991

29-08056

CITY OF LAVA HOT SPRINGS
P.O. BOX 187
LAVA HOT SPRINGS, ID 83246

Source: GROUNDWATER

Diversion Pt: NWSE Sec 20 T 09S R 38E

Use: MUNICIPAL (2.000 CFS)
Total Diversion: (2.000 CFS)

Date Filed: 2/15/ 1991

In:

RECORDED

MAY 30 1991

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-2 A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before APRIL 22, 1991.

R. Keith Higginson, Director

Published 4/ 4/1991 & 4/11/1991

RECEIVED
MAY 30 1991

MAY 30 1991

27-Feb-1991

CITY OF LAVA HOT SPRINGS
PO BOX 187
LAVA HOT SPRINGS ID 83246

RE: Application No. 29-08056

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in on April 4 & 11, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MAY 30 1991