

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 29-07639

Priority: June 11, 1982

Maximum Diversion Rate:

0.02 CFS

Maximum Diversion Volume:

2.4 AF

This is to certify, that LA VOY ALBRETSSEN
ELAINE ALBRETSSEN

PO BOX 66

LAVA HOT SPRINGS ID 83246

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 6, 1982; and has submitted Proof of Beneficial Use on June 6, 1988. An examination indicates that the works have a diversion capacity of 0.180 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>
HEATING	01/01 to 12/31	0.02 CFS	2.4 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(SESE), Sec. 21, Township 09S, Range 38E
BANNOCK County

PLACE OF USE: HEATING

TWN RGE SEC

09S 38E 21 Lot 1(SESE)

CONDITIONS OF APPROVAL AND REMARKS

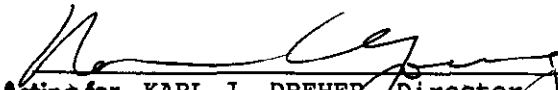
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to 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. Heating use is for a home.

MICROFILMED

JUN 08 1998

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 29-07639

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 30th
day of MAY, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

JUN 08 1998

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	29-7639	Brown, Frances Lillian	0.02
Full Assignment (signed by personal rep.)	29-7639	Albretsen, Elaine LaVoy	0.02

MICROFILMED

FEB 14 1989

RECEIVED

MAY - 5 1990

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
MAY 09 1990

I, Carl O. Brown, hereby assign to Elmer L. & Kay Albretsen
of P.O. Box 67 Lava Hot Springs Idaho 83246
Address

All my right, title, and interest in and to Permit No. 29-7639
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

Made this 19th day of MARCH, 19 90.

Carl O. Brown
Permit Holder

Muriel M. Brown
Spouse of Permit Holder

State of Idaho)
County of BANNOCK) ss

On this 19th day of MARCH, 19 90, personally
appeared before me the signer() of the above instrument, who duly acknowledged
to me that he () () executed the same.

Robert Bergendy
Notary Public residing at
LAVA HOT SPRINGS, ID. 83246

My commission expires:
LIFETIME

RECORDED

State of Idaho

FEB 03 1989 Department of Water Resources

ASSIGNMENT OF PERMIT

Department of Water Resources

Dep.

Eastern District Office

I, Carl O. Brown, hereby assign to Elaine or LaVoy Albretsen
of P.O. Box 68 Lava Hot Springs Idaho 83246
Address

All my right, title, and interest in and to Permit No. 29-7639
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. 29-7639 to appropriate the public waters of the
State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage
within each 40 acre subdivision, the point of diversion and the amount of
water in cubic feet per second for direct diversion, or acre feet for storage)

The property is located at 317 E. Main St. Lava Hot Springs Idaho 83246. The property
consists of a two bedroom home located on two 25 ft lots 110 ft deep. Lava hot
water will be used for bathing and culinary use, for not more than four persons.
The amount of hot water used in cubic feet per second would be very minimal amount.

Made this 26th day of January, 19 89.

Carl O. Brown
Permit Holder

Muriel M. Brown
Spouse of Permit Holder

State of Idaho

STATE OF CALIFORNIA
COUNTY OF Sacramento

ss.

(INDIVIDUAL)

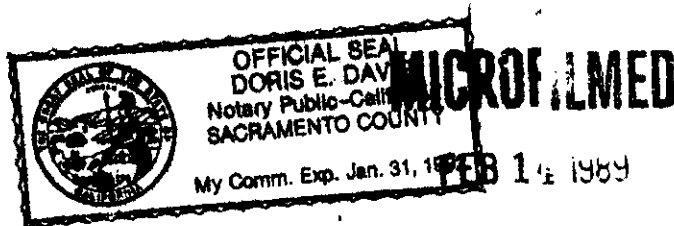
On this 26th day of January, 19 89 before me, the undersigned, a Notary Public in and for said
County, personally appeared Carl O. Brown

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 executed the same.

Witness my hand and official seal.

Doris E. Davis
Notary Public in and for said County and State

Doris E. Davis
Name (Typed or Printed)



(This area for official notarial seal)

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-7639 IN THE
NAME OF CARL O. BROWN

)
) ORDER OF REINSTATEMENT
)
)

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

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

WHEREAS, the Department notified the permit holder that the permit lapsed for failure of the permit holder to submit the proof of beneficial use; and,

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

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on June 6, 1988;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 29-7639 be REINSTATED and the priority advanced to June 11, 1982.

Dated this 31st day of October, 1988.


L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

NOV 21 1988

Form 217
03/86

JUN - 6 1988

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by JS
Sent to region _____

STATE OF IDAHO Department of Water Resources

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 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. 29-7639

Name(s) of Permit Holder: Carl O. Brown - Brother in law of Frances L. Brown deceased

Post Office Address: P.O. Box 66 317 E Main St Lava Hot Springs Idaho 83246

Telephone No. ⁽⁹¹⁶⁾ 381-5098 or 776-5603

Source of Water: Hot spring water well drilled on property at the above address.

Extent of Use:

Domestic one home ^{above address} (number of households) Stockwater _____ (number and type of stock)

Irrigation _____ (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .02 cfs _____ acre-feet

Per App. for Permit
Show the date water was first diverted and beneficially used under this permit: _____

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

Fee enclosed \$ 15.00
(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:

NOV 21 1988

La Voy Albretson
(Name)

776-5507
(Telephone Number)

Home Hotel & Motel Lava Hot Springs Idaho 83246
(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.

For the last 12 months I have been subjected to exploratory cancer surgery at the Kaiser Hospital in Sacramento California. Timothy Baker MD is my doctor. 916-973-5253

1 June 1988
Date

Carl O. Brown
Signature of Permit Holder (and title, if appropriate)

STATE OF IDAHO } ss
County of Bannock }

RECEIVED

AUG 11 1986

I hereby certify that the foregoing is a full, true and correct copy of an instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 2nd day of June A.D., 1986
LARRY W. GHAN, CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER.

Department of Water Resources

By Deputy

Cindy Guadalupe

GREEN, SERVICE,
GASSER & KERL
ATTORNEYS AT LAW
P.O. BOX 4883
POCATELLO, IDAHO
83205-4883
(208) 232-4471

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK
MAGISTRATE'S DIVISION

Estate Of:)

FRANCIS LILLIAN BROWN,)

Deceased.)

CASE NO. SP-3025

LETTERS TESTAMENTARY

The Will of the above named decedent having been admitted to Probate in the above entitled Court in informal proceedings, Carl O. Brown, the person who is named Personal Representative therein, is hereby appointed as Personal Representative.

WITNESS: The below signed Magistrate of the above entitled Court with the seal of the Court affixed this 2 day of May, 1986.

June

[Signature]
MAGISTRATE

STATE OF IDAHO)

ss

County of Bannock)

I accept the duties of the Personal Representative of the above entitled estate, and do solemnly swear that I will perform, according to law, the duties of Personal Representative, and hereby submit to the jurisdiction of this court in any proceeding relating to the estate instituted by any interested person.

[Signature]
Carl O. Brown

Personal Representative

SUBSCRIBED AND SWORN TO Before me this ___ day of May, 1986.

(SEAL)

[Signature]
NOTARY PUBLIC for Idaho

Residing at: Pocatello

RECORDED

RECEIVED
09-10-120, 2000, A-0887
AUG 15 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 FEE Received *OK*
Date *9/5/86*
Receipt # *38983*

REQUEST FOR EXTENSION OF TIME

Department of Water Resources

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

Carl O. Brown

(Name)

of *P.O. Box 66 Lava Hot Springs*

(Address)

State of *Idaho, 83246*, 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. *29-7639*

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SEP 5 1986

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

Oct 1, 19*86*.

Department of Water Resources

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

Hot water has been discovered at bed rock. At that time I had to go to my doctor in Sacramento California. He is performing checkups for my health at the hospital here at present in Sacramento. The drilling and discovery of hot water at bed rock has cost for labor and material

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

Costing \$ *1800.00*

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

Unfortunately my health is such that I will not be able to continue work on the well for some time in the future, possibly with recuperation & gaining strength to go on with the work, an extension

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations

under said permit to *Oct 1*, 19*89*
(1 yr. minimum,
5 yrs. maximum)

Carl O. Brown

(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

FEE: \$15.00

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to May 1, 1988.

Signed this *16th* day of *September*, 19 *86*.

A. Glen Saxton
Chief, Operations Bureau

MICROFILMED

RECEIVED
Form 204
AUG 27 1984

For Office Use Only
Fee Received 15.00
Date 8-31-84
Receipt # 35030

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
RECEIVED
AUG 30 1984

REQUEST FOR EXTENSION OF TIME

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

Department of Water Resources

Frances L. Brown
(Name)

of P.O. Box 66 Lava Hot Springs Idaho 83246
(Address)

State of _____, 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. 29-7639

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

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

commenced work
~~(This must be filled out if no work has been completed put none.)~~
We have ~~been~~ drilled one dry hole 10 ft deep which turned up with no trace of hot water. We have drilled another hole in a new location 19 ft deep, and struck a lava bed with a hot water stream. We now have to hire a professional power driller to go down into the lava bed about approximately 6 ft and we believe we will have a sump of hot water.

Costing \$ 300.00
That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

Drilling for hot water for household use. Have not been successful as of this date, but still trying to locate a spring of hot water. Possibly now with a professional power rig we will be lucky and get hot water in this 6 ft lava sump.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to October, 1984.
(1 yr. minimum, 5 yrs. maximum)

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

Frances L. Brown

(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 October 1, 1986.

Signed this 25th day of September, 1984.

J. Glen Saxton
Chief, Operations Bureau

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Frances Lillian Brown Phone 776-5603

Post office address P.O. Box 66, Lava Hot Springs, ID 832460066

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

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 9S

Range 38E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 cfs 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)

5. Total quantity to be appropriated:

a. 0.02 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump to hot tubs and space heaters for domestic home

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 10 inches; proposed depth of well is 8 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year – maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 9S
Range 38E 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: Space heating and hot tubs in domestic home

RECEIVED

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

[illegible]

Total number of acres to be irrigated

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

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

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

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

10. Remarks

DECLASSIFIED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Sheryl Gardiol

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:

May 20, 1982 _____, 19____
May 27, 1982 _____, 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.

Sheryl Gardiol

Subscribed and sworn to before me this 31st

day of May, 1982

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

RECEIVED

JUN 2 1982

Department of Water Resources
Eastern District Office

RECEIVED

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

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.

29-7639

BROWN, FRANCES L.
P. O. BOX 66, LAVA HOT SPRINGS, ID
83246

Source: GROUNDWATER

Date Filed: 05-06-1982

Amount: 0.02 CFS

Diversion Point: SESE Sec 21 T 09S R
38E, BANNOCK Co.

Use: HEATING (0.02 CFS) from 01-01 to
12-31

Place of Use: SESE Sec 21 T 09S R 38E

Diversion Means: WELL & PUMP

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before JUNE 8, 1982.

S/A. KENNETH DUNN

Director

May 20, 27, 1982

No. 864

being first duly sworn on oath deposes and says: That _____ 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:

_____	, 19	_____	, 19
_____	, 19	_____	, 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.

Subscribed and sworn to before me this

day of _____, 19

Notary Public, State of Idaho

Residence: Pocatello, Idaho

RECEIVED

JUN 2 1982

Department of Water Resources
Eastern District Office

BROWN, FRANCES L.[q1
P. O. BOX 66, LAVA HOT SPRINGS, ID
83246[q1

Source: GROUNDWATER[q1
Date Filed: 05-06-1982[q1

Amount: 0.02 CFS[q1
Diversion Point: SESE Sec 21 T 09S R
38E, BANNOCK Co.[q1
Use: HEATING (0.02 CFS) from 01-01 to
12-31[q1

Place of Use: SESE Sec 21 T 09S R 38E[q1
Diversion Means: WELL & PUMP[q1

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 Depart
ment of Water Resources, 150 Shoup Ave.,
Idaho Falls, Idaho 83402 on or before
JUNE 8, 1982.[q1

S/A. KENNETH DUNN[q1

Director[q1

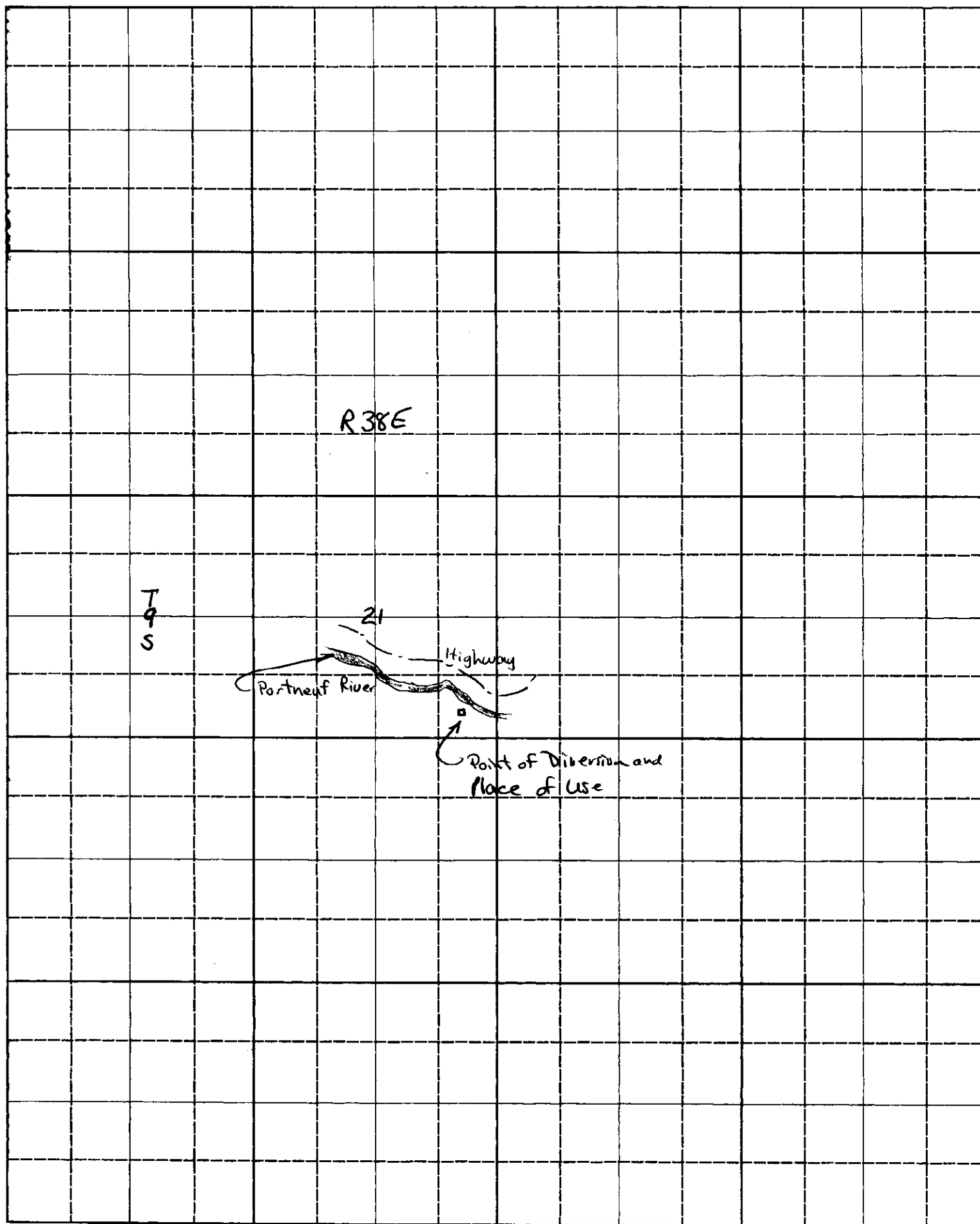
May 20, 27, 1982[q1

No. 864[q1

[mx<o][qm

OK

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



Scale: 2 inches equal 1 mile.

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

RECEIVED

Frances L Brown
(Applicant)
Carl D. Brown

Proposed Priority 5/06/1982

Received by CW Date 5-06-82 Time 10:30 A
Preliminary check by HWT Fee \$ 30.00
Receipted by BP Date 5-6-82 # 22247
Publication prepared by BP Date 5-13-82
Published in Idaho State Journal
Publication dates 5-20 & 5-27-82
Publication approved CW Date 6-03-82
Protests filed by: Lava Hot Springs Foundation, withdrawn 9-2-82

Copies of protests forwarded by CW
Hearing held by _____ Date _____
Recommended for approval denial by EMC RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7639, 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 October 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: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
Return flow if discharged to a subsurface system must be authorized by a separate injection well permit, and return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

This permit is subject to the agreement dated August 12, 1982, between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

Witness my hand this 29th day of September, 1982.

L. Glen Gayton
Chief, Operations Bureau

RECEIVED



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 1, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LA VOY ALBRETSSEN
ELAINE ALBRETSSEN
PO BOX 66
LAVA HOT SPRINGS ID 83246

RE: WATER RIGHT NO. 29-07639

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.

MICROFILMED

JUN 08 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.

MICROFILMED

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.

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

MICROFILMED
JUN 08 1998

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of June, 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. 29-07639

LA VOY ALBRETSSEN
ELAINE ALBRETSSEN
PO BOX 66
LAVA HOT SPRINGS ID 83246


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 08 1998

MEMORANDUM

29-07639

RATE OF FLOW AND ANNUAL VOLUME FOR HEATING USE

GIVEN:

Source Temperature	=	135 degrees - assumed
Area / 1 two story building	=	1100 sq. ft.
Temperature Outside	=	-3 degrees
Temperature Inside	=	65 degrees
Building Efficiency	=	0.67
Temperature Required	=	70 degrees
Days per year temp below 70	=	212 days
Hours per day temp below 70	=	12 hours

CALCULATIONS:

Single Floor System Heat Load	=	50,116 btu/hr
Two Floor System Heat Load	=	40,093 btu/hr
Temp. Drop Across System	=	19.5 degrees

FLOW RATE:

Single Floor Flow Rate	=	5 gpm
	=	0.01 cfs
Two Floor Flow Rate	=	4 gpm
	=	0.01 cfs

VOLUME:

Single Floor Annual Volume	=	2.4 af
Two Floor Annual Volume	=	1.9 af

3.0 @ 122°, 2.4 is
generous compared
to examiners
recommendation

EFFICIENCY RATING INFORMATION **

0.28 Best energy efficiency rating
0.44 Good energy efficiency rating
0.67 Average energy efficiency rating
1.11 Poor energy efficiency rating

** Source - Administrator's Memorandum dated 9/28/92.

MICROFILMED

JUN 08 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 29-07639 DATE 5/22/98 REVIEWER: SHARLA

NAME OK Change/OK
 Address OK has not been assigned to Campbell
 SOURCE OK (gw) Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK Change (P39 /P47) Add (P45/P42) Feds - P40

W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Gov't. Lot 1

Overlaps: Right(s):
 File reviewed Profile reports printed

PLACE OF USE OK Change (P41/P47) Add (P41/P42) Feds - P43

W60 (subd. desc)
 W27 (ppu acre limit)

Gov't. Lot 1

Overlaps: Right(s):
 File reviewed Profile reports printed

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate .02 cfs
 Fee limit .04 cfs NO FEE
 Measured — cfs
 Theoretical .18 cfs

Recommended Total Div Rate .02 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>Irrig</u>	<u>.02</u> cfs	<u>2.4</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
	cfs	af	supp. gw (WB7/065/079)
	cfs	af	overlap spec. combined rts (W35)
	cfs	af	<1acre (W31)
	cfs	af	Domestic (W01/WB5/070/071/075)
TOTALS	<u>.02</u> cfs	<u>2.4</u> af	Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)

Flow rate .02 cfs X 212 days X 1.98 = 8.4 af

REMARKS

ADD'L CONDITIONS Watermaster Control WD#
 207/081 GW Measurement/Measuring Device
 Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority yes no SRBA Claim Adjust Memo spreadsheet
 Amend letters

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 04 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-7629

1. Owner: Wayne Campbell Phone No. 776-5507

Current Address: 317 E. main st. Lava Hot Springs, ID 83246

2. Accompanied by: Wayne Campbell EXAM DATE: 18 JUN 96

Address: — Phone No. —

Relationship to Permit Holder: —

3. Source: Groundwater @ 12 feet tributary to —

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 29-04212

2. Other water rights with the same point of diversion: 29-04212?

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	21	09S	38E	Bannock	on site.

2. Place(s) of Use:

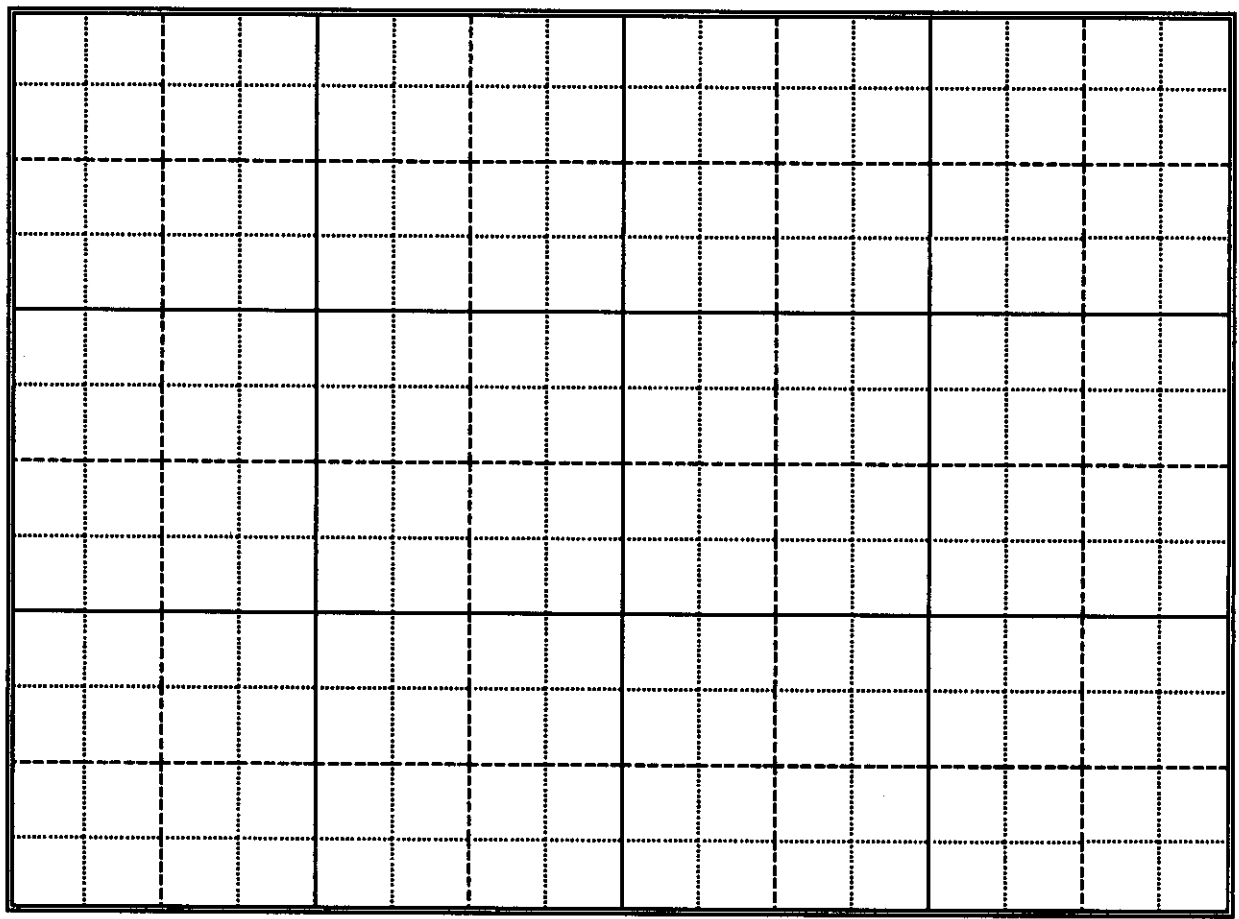
Indicate Method of Determination on site

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	38E	21																G	

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JUN 08 1998

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate well 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
_____	General Electric	2	SKR394N285AX	Emerson	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

*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
B1 Gauge					0-60	
Therifical						

2. Measurements: B1 gauge on faucet off of pump — 24 PSI.

E. NARRATIVE/REMARKS/COMMENTS

Permit 29-7639 is still in LaVoy Albretson's name. Originally Application for Permit was filed by Frances Lillian Brown; Carl O. Brown sold Home Hotel and Motel plus house at 317 E. Main St. to LaVoy Albretson. No wells were completed. LaVoy Albretson sold Home Hotel and Motel, including house located at 317 E. Main St. to Wayne Campbell. Instructed Mr. Campbell to have LaVoy Albretson fill out an Assignment for Permit indicating Mr. Campbell's ownership.

* Mr. Campbell tapped into what he calls a spring down to 12 feet. Static water (hot) level is 4 feet. Mr. Campbell's son was informed by someone at IDWR, that as long as he didn't go below 18 feet, it was not considered a well. They tapped into spring in summer of 1995.

* Motor and pump system feed house and hotel together. Permit 29-7639 is asking for .02 CFS for house only.

LaVoy Albretson has told Mr. Campbell he wants this permit in his (LaVoy's) name until contract for property is paid off.

HWJ 11-25-97

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

MICROFILMED
JUN 08 1998

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

Theoretical

$$\frac{2hp \times 8.814 \times 0.7 \text{ eff.}}{12' 1.1ft + (2.308 \times 24psi)} = \frac{12.339}{67.39} = 0.18 \text{ cfs capacity}$$

Allow 0.02 cfs as per permit!

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

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

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

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

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
(Domestic) - Irrigation	1/1	12/31	0.02 cfs	0.6
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			0.02	0.6

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 Steven Garrison Date 18 JUN 96

Reviewer [Signature] Date 11-25-97

SEAL

MICROFILMED

JUN 08 1998

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

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

$$\begin{aligned} Hp &= \text{Horsepower} = \underline{2} \\ Eff &= \text{Efficiency} = \underline{.70} \quad (\text{Usually } 70\%) \\ \text{Lift: } &(\text{Static Level} + \text{Assumed Drawdown}) \\ &\text{Static Water Level} = \underline{4} \text{ ft.} \\ &\text{Assumed Drawdown} = + \underline{10} \text{ ft.} \\ &\text{Lift} = \underline{14} \end{aligned}$$

OR

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

$$psi = \text{Operating Pressure} = \underline{24} \text{ psi}$$

$$Q_{cfs} = \left[\frac{2}{Hp} \times 8.814 \times \frac{.7}{Eff} \right] \div \left[\frac{14}{Lift} + \left(\frac{24}{psi} \times 2.308 \right) \right]$$

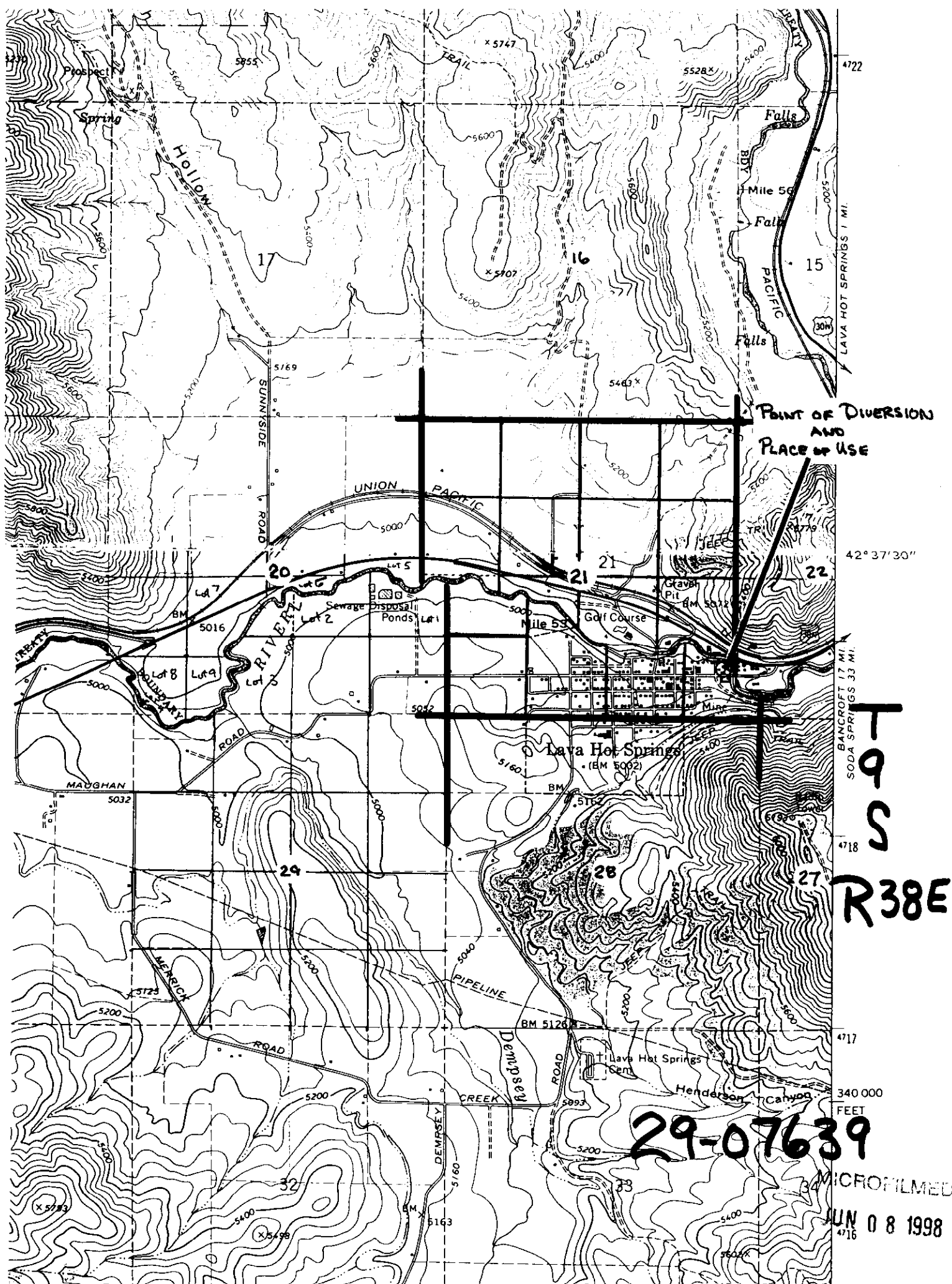
$$Q_{cfs} = \left[\underline{12.3396} \right] \div \left[\underline{69.392} \right]$$

$$Q_{cfs} = \underline{.18} \text{ cfs}$$

MICROFILMED

JUN 08 1998

PERMIT NO. 29-7639



POINT OF DIVERSION
AND
PLACE OF USE

42° 37' 30"

BANCROFT 17 MI.
SODA SPRINGS 33 MI.

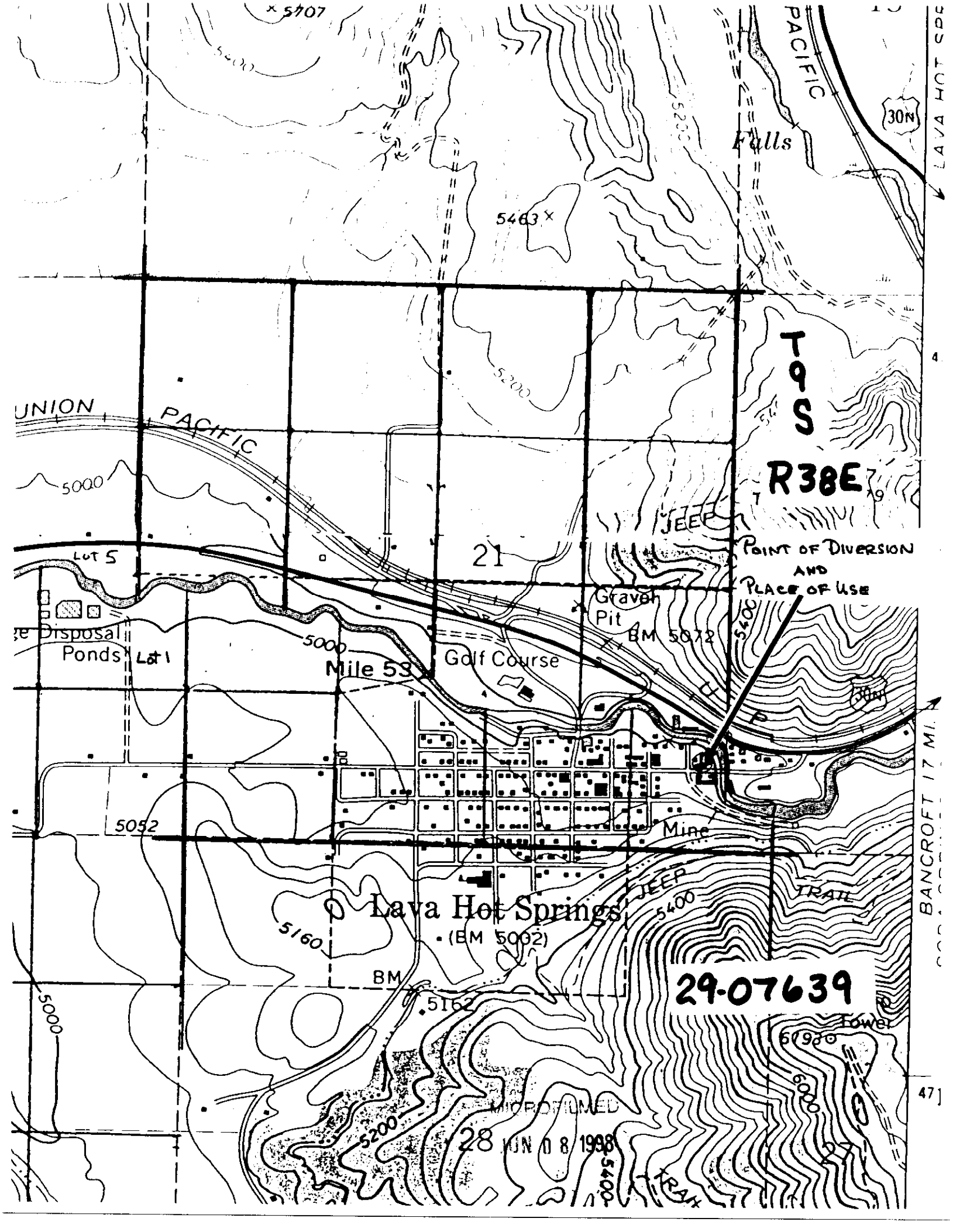
T
9
S
R38E

29-07639

340 000
FEET

MICROFILMED

JUN 08 1998



LAVA HOT SPRINGS

30N

Falls

5463 X

5200

UNION PACIFIC

5000

LOT 5

Disposal Ponds

LOT 1

Mile 53

Golf Course

Gravel Pit

BM 5072

Point of Diversion AND PLACE OF USE

5052

Lava Hot Springs

(BM 5002)

BM

5162

5000

29-07639

JEOP

TRAIL

Tower

6798

6000

28

JUN 08 1998

5400

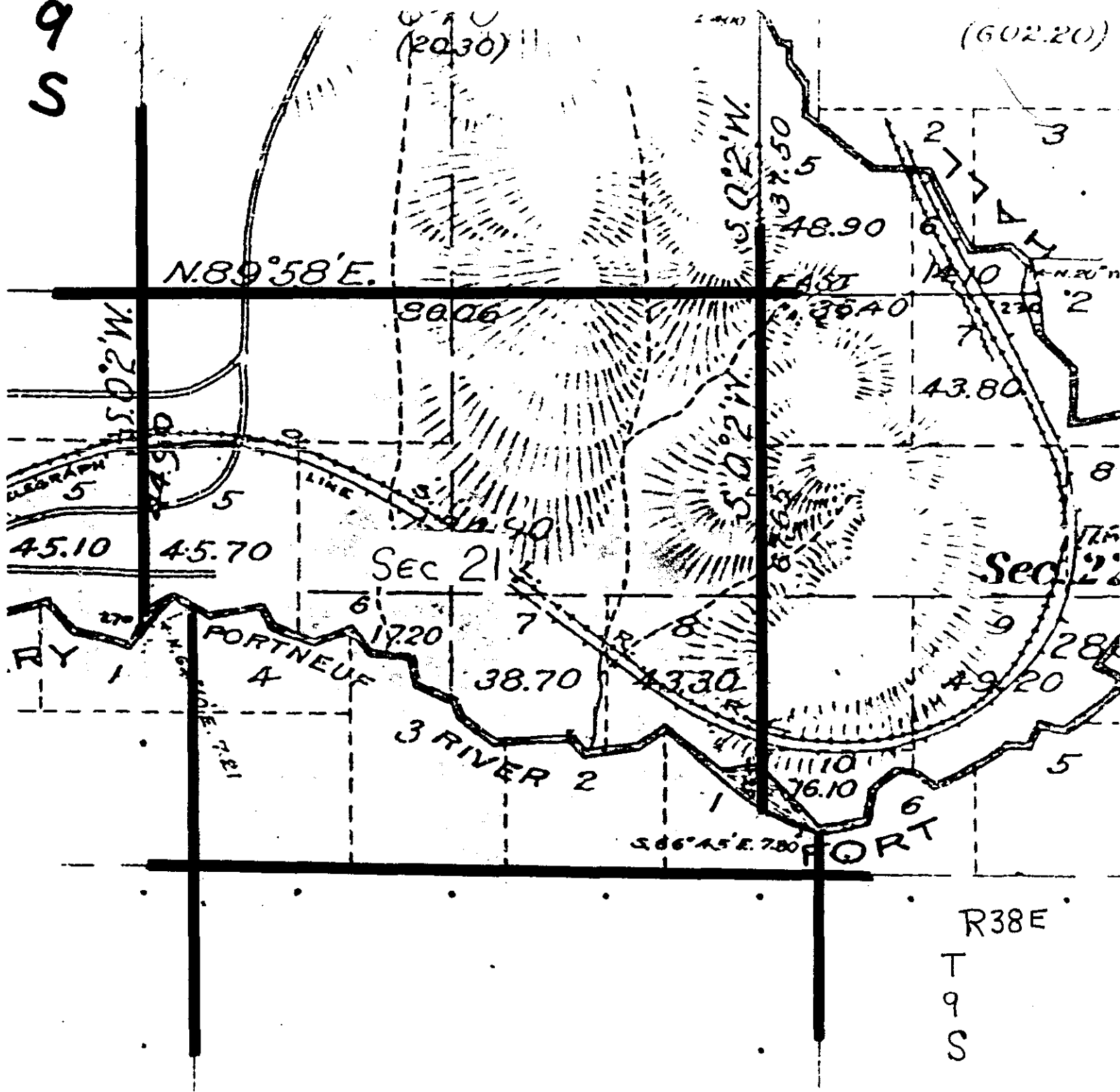
TRAIL

BANCROFT 17 MI. N

471

TR 38E

9
S



DE.

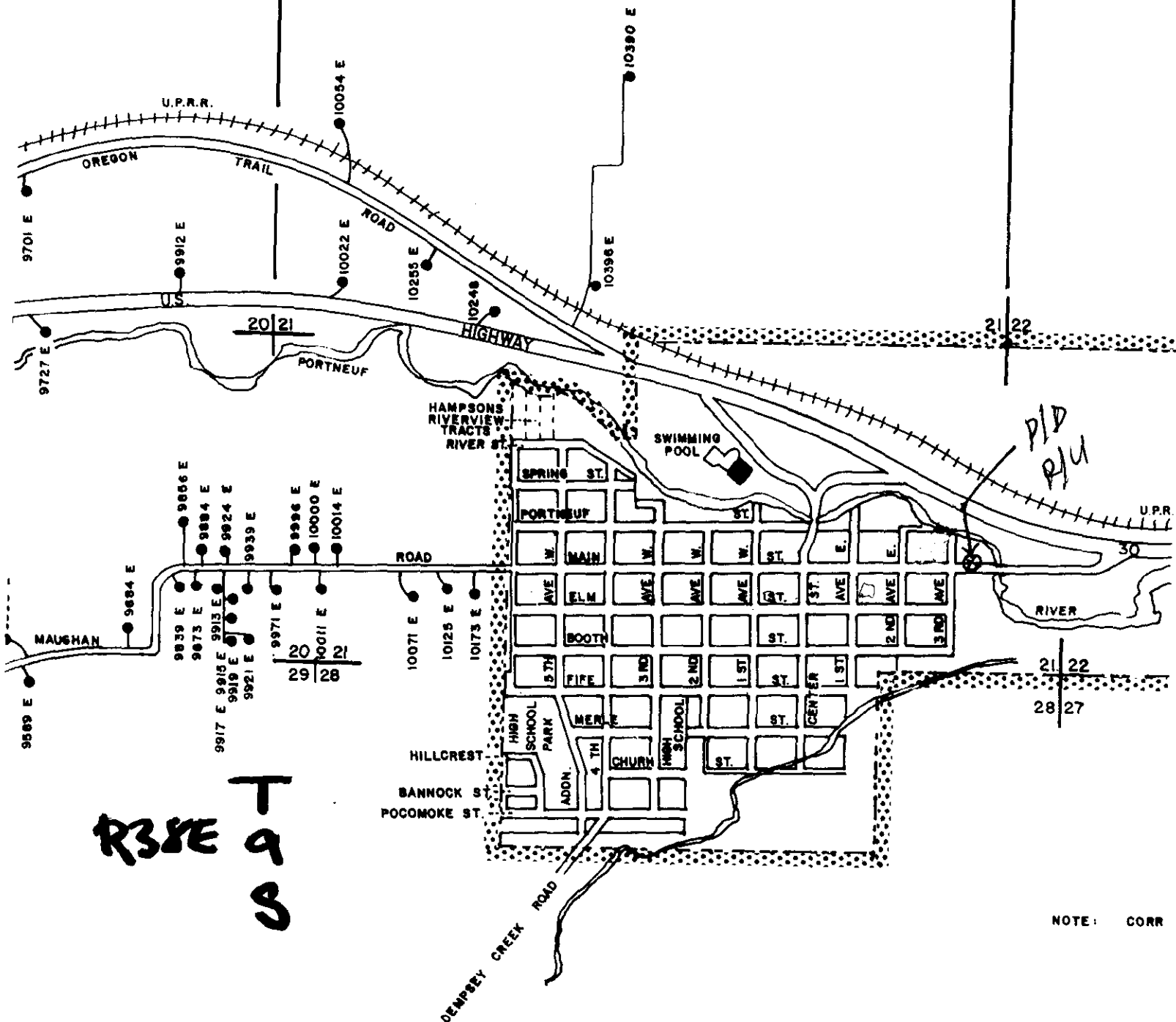
MICROFILMED

JUN 08 1998

29-07639

TR 38E

9
S



NOTE: CORR

MICROFILMED
JUN 08 1998

29-07639



29-7639



Spring →

29-7639

100 ft
100 ft



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 14, 1989

RE: Water Right No. 29-7639

Elaine or LaVoy Albretsen
P.O. Box 66
Lava Hot Springs, ID 83246

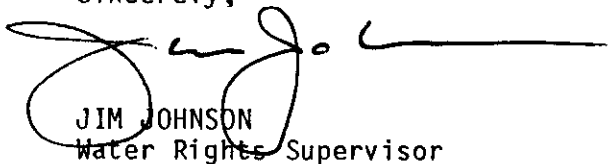
Dear Water Right Holder(s):

We acknowledge receipt of the correspondence transferring ownership of the above referenced water right to you. We have modified our computer records to reflect this change in ownership.

We assume you are aware of requirements remaining to finalize the permit into a license.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,


JIM JOHNSON
Water Rights Supervisor

JJ:hm

MICROFILMED
FEB 14 1989

RECEIVED

JAN 17 1989

Department of Water Resources
Eastern District Office

Carl O. Brown -
P.O. Box 66
Lava Hot Spring Id.
1/9/89

Permit No. 29-7639

RECEIVED

JAN 19 1989

State of Idaho
Dept. of Water Resources
150 Sharp Ave, Suite 15
Idaho Falls Id.

Kerth A. Wilson

Department of Water Resources

Dear Sir - I sold my property at 317 E. Main St
Lava Hot Springs Idaho to Elaine and Kay Albretsen,
owners of the Home Hotel and Motel 305 E. Main St. - P.O. Box 67
Lava Hot Springs Idaho

The Albretsen's are located next door to the property
I sold to them.

The property was sold to the Albretsen's the later
part of October 1988.

I transferred your letter to me, dated January 4, 1989,
to the Albretsen's, for processing.

Please have your field examiner alerted to check
with the Albretsen's.

Sincerely,

Carl O. Brown

RECEIVED

FEB 14 1989



State of Id. o

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

COPY

January 18, 1989

Carl O. Brown
P.O. Box 66
Lava Hot Springs, Id. 83246

JAN 19 1989

RE: Assignment of Permit 29-7639

Department of Water Resources

Dear Mr. Brown:

In order to assign permit 29-7639 to the Albretsons you will need to complete the attached assignment form by signing the form in front of a notary and returning the form to this office as soon as possible.

Your prompt response will be appreciated.

Sincerely,

Keith C. Wilson
Senior Resource Agent

MICROFILMED
FEB 14 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

COPY

RECEIVED
JAN 19 1989

January 18, 1989

LaVoy Albretson
P.O. Box 67
Lava Hot Springs, Id 83246

Department of Water Resources

RE: Assignment of Permit 29-7639

Dear Sir:

This office has received a letter from Mr. Carl O. Brown indicating that he sold the property under permit 29-7639 to you, and he had transferred the letter from this office dated 4 January 1989 to you. In order to assign permit 29-7639 to you an assignment needs to be completed.

For your convenience and information enclosed is a copy of the assignment form, and letter that I sent to Mr. Brown.

Sincerely,

Keith C. Wilson
Senior Resource Agent

MICROFILMED

FEB 14 1989

January 4, 1989

RE: Permit No. 29-7639

Carl O. Brown
P.O. Box 66
317 E. Main Street
Lava Hot Springs, ID 83246

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit. Enclosed please find a copy of an order pertinent to your permit.

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

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

If you have any questions regarding the field examination, please contact this office by phone at 525-7161, or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:CW

Enclosure

MICROFILMED

FEB 14 1989

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 29-7639

Date: 10/24/88

General Considerations:

Y Name same as permit
Y Signature the same as permit holder
Y Address change _____ If yes, prepare a data entry
N Proof received timely
Y Reinstated

Source of Water:

Y Surface water
Y Groundwater
N 1. well log in file *See Groundwater Protection Sheet.*
N/A 2. drilling permit
_____ A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

Y Rate of diversion appropriate for uses
Y Is rate or volume and fee appropriate?
N Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

N/A Is a measuring device or access port required?
N/A Has one been installed?
N/A Waiver or modification of measuring device requested

Remarks:

*Proof acceptable
Reinstate*

<u>Y</u>	Priority Calculation:		
	Date proof received	<u>June 6, '88</u>	<u>157</u>
	Date proof due	<u>May 1, '88</u>	<u>-121</u>
	No. of days late		<u>= 36</u>
	Priority date	<u>May 6, '82</u>	<u>+126</u>
	NEW PRIORITY DATE	<u>June 11, '82</u>	<u>-162</u>

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

To: File 29-~~8~~639

From: Groundwater Protection

Date: 10/6/88

Drilling Permit: ☒ Not Applicable
☐ Found and in file
☐ Not Found

Well Drillers Report:

☐ Not found, due to reported age of well
probably not available
☐ Found and is in file
☐ Not found

Follow-up

☐ Request from permit holder the well
drillers report and/or the name of the
well driller.
☐ Ask permit holder when well was drilled
and notify holder of drilling permit
requirement if after July 01, 1987.

Owner drilled well!

*Well if 18' or deeper was
illegally drilled.*

*If well is less than 18'
then well is not illegal*

See Request for extension of **NOV 21 1988**
fine

*Per Glen -
Do not pursue whether well was illegally drilled in this
case. App. says well would be 8' deep.*



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

RECEIVED

SEP 22 1988

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

September 14, 1988

Department of Water Resources

Carol O. Brown
P. O. Box 66, 317 E. Main St.
Lava Hot Springs, ID 83246

RE: Permit No. 29-7639

Dear Permit Holder:

The department received your Proof of Beneficial Use form, however, before completing processing, additional information is needed.

If you have a well driller's report, please send a copy to the department. If you do not have one, please let me know who drilled the well and when it was drilled.

Please remit the requested information by October 14, 1988. Upon receipt of the information, the department will review the proof and reinstate the permit.

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

Sincerely,

RITA FLECK
Secretary/Records Manager

c: E. Region

Rita Fleck
Secretary/Records Manager

19 Sept 1988



Carl O Brown
7805 Tierra Glen Way
Sacramento CA 95828

In reply to paragraph 2 of your above letter, I drilled the well myself. The well was drilled in the summer of 1985. In the spring of 1986 I left lava and contacted my doctor in Sacramento California for treatment for my health. I make occasional trips to lava between treatments in Sacramento.

MICROFILMED

NOV 21 1988

Sincerely,

FROM



Carl O Brown
7805 Tierra Glen Way
Sacramento CA 95828



The

Bread Wagon 1880s

25 USA



September 14, 1988

Carol O. Brown
P. O. Box 66, 317 E. Main St.
Lava Hot Springs, ID 83246

RE: Permit No. 29-7639

Dear Permit Holder:

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

Sincerely,

RITA FLECK
Secretary/Records Manager

c: E. Region

RECEIVED
NOV 21 1988

June 13, 1988

Carl O. Brown
P. O. Box 66
Lava Hot Springs, ID 83246

Dear Mr. Brown:

Re: Permit No. 29-7639

Returned is your check No. 436 in the amount of \$15. Note that for submittal of the proof of beneficial use form with a diversion rate of less than 0.04 cfs, there is no fee requirement.

The copy of proof of beneficial use form and reinstatement order will be sent to our regional office so the permit can be put on the region's inventory of pending field inspections. I cannot tell you just when this inspection will be conducted, but the department's representative will try to contact you to schedule a convenient time.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

c: Region
Accounting Sec.

MICROFILMED

NOV 21 1988

June 13, 1988

Carl O. Brown
P. O. Box 66
Lava Hot Springs, ID 83246

Dear Mr. Brown:

Re: Permit No. 29-7639

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

c: Region
Accounting Sec.

RECEIVED

NOV 21 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 29-7639

Name(s) of Permit Holder(s): Farces L. Brown - Carl M. Brown

Post Office Address: P.O. Box 66 Lava Hot Springs, Ida 83246

Telephone: 208-776-5683

☒ I hereby certify that construction of diversion works on the above referenced permit began on 5/17/83. I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

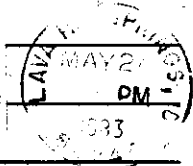
☐ I hereby certify that construction of diversion works on the above referenced project has not yet begun due to the following reason beyond my control:

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

5/21/83
Date

FL Brown Carl M. Brown
Signature of Permit Holder

C. O. BROV
BOX 66
LAVA HOT SPRINGS, IDA
83246



MICROFILMED

NOV 21 1988



RECEIVED
MAY 25 1983

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

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.

May 16, 1988

BROWN, FRANCES L.
P.O. BOX 66
LAVA HOT SPRINGS, ID 83246

LAPSE NOTICE

RE: Permit No. 29-7639

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218a, Idaho Code, the above referenced water permit has lapsed. This office did not receive either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time. You were provided the proper forms in our proof due notice to you dated February 28, 1988.

Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request form together with the \$15 fee must be received by this Department within sixty days of the date of mailing of this lapse notice.

A proof of beneficial use form and a request for extension of time form are again enclosed for your use. 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 governmental agency or by litigation which might bring title to the water in question.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

MAILED

NOV 21 1988

ORIGINAL FILED
5-26-88
Beta Link

138416
CERTIFIED MAIL
February 28, 1988

BROWN, FRANCES L.
P.O. BOX 66
LAVA HOT SPRINGS, ID 83246

PROOF DUE NOTICE

RE: Permit No. 29-7639

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1988. (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 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 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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

MAILED
NOV 21 1988

September 16, 1986

Carl O. Brown
P. O. Box 66
Lava Hot Springs, ID 83246

Dear Mr. Brown:

Re: Permit No. 29-7639

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to May 1, 1988.

The department also would like to call to your attention that the permit may be subject to the review requirements of Sec. 42-203D, Idaho Code.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

UNRECORDED

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 29-7639Reviewed by *[Signature]*Date 9-16-1986

BASIC INFORMATION

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

BASIS FOR EXTENSION REQUEST

- Has adequate work been completed to demonstrate due diligence?
- Has the cost incurred been adequate to demonstrate an intent to complete the project?
4 Has the permit been involved in litigation?
a. Swan Falls Yes Dismissed from Swan Falls Yes - First Dismissal
Other N/A Identify _____
b. Is supporting documentation needed to complete the file? _____
Requested _____
c. Calculate the period of delay

Date litigation completed 10 - 1984Date litigation began - 3 - 1983Total period of delay = 7mo 1yrPresent proof due date + 10-1-1986NEW PROOF DUE DATE = 5-1-1988

N/A Is delay by a government agency?
Is supporting documentation needed to complete the file? _____
Requested? _____

ACTION TAKEN - Recommend approval based on Swan Falls litigation

Special conditions or remarks:

N/A Reinstatement Date extension received _____ = _____
Proof due date _____ = _____
No. of days late _____ = _____
Priority date _____ = _____
ADJUSTED PRIORITY DATE _____ = _____

_____ Prepare coding sheet
_____ Change rolodex card

MICROFILMED

Rita I Fleck -

Dear Madonna -

2 sent to



Carl O Brown
7805 Tierra Glen Way
Sacramento CA 95828

I am still under my doctor's care
here in Sacramento. I will be here for a quite
some time in the future, as I have stated in
my two circled statements on the enclosed "Request
For Extension of Time" form.

It's my health that is holding up this whole
project.

Sincerely Carl O. Brown



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

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

EXTENSION OF TIME

September 5, 1986

Carl or Murial Brown
P.O. Box 66
Lava Hot Springs, ID 83246

PERMIT NO. 29-7639

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. 38983

Roberta Garrett
Records Supervisor

Enclosure



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

August 18, 1986

Carl O. Brown for the
Estate of Frances L. Brown
P. O. Box 66
Lava Hot Springs, ID 83246

Dear Mr. Brown:

Re: Permit No. 29-7639

Returned is your check No. 306 (92-1/1241) in the amount of \$15.00 along with the Request for Extension of Time you submitted on August 15, 1986.

Please be advised that there are four basis reasons to receive approval on extension requests. The reasons for delay of submitting proof are: proceeding diligently, but more time is needed to complete the project (can extend only once for this reason); delay due to a governmental agency (delay in acquiring special permits, easements, etc.); delay due to litigation (litigation which brings the title of the water into question); and if the water right permit belongs to the federal government. I've reviewed the information on the extension request and also in the water right file. On September 25, 1984, the department granted approval for extension of time based on due diligence and since the Idaho Code specifically states that only one extension can be granted based on this reason, I'm returning your extension request rather than take formal action.

If there is other information you wish the department to consider in regards to this extension, please feel free to supply the department with the added information and return the fee and form.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

cc: Accounting Section

JAMES B. GREEN
ARCHIE W. SERVICE
CLARK GASSER*
RON KERL
JIM D. PAPPAS
DUANE A. BYBEE**
FREDERICK L. RINGE
STEVEN V. RICHERT

GREEN, SERVICE, GASSER & KERL
ATTORNEYS AT LAW
CENTER PLAZA - P.O. BOX 4883
POCATELLO, IDAHO 83205-4883
TELEPHONE (208) 232-4471

BOISE OFFICE
SUITE 302 JEFFERSON PLACE
350 NINTH STREET
P.O. BOX 1887
BOISE, IDAHO 83701
TELEPHONE (208) 343-2222

GUY R. PRICE
RICK CARNAROLI
JAMES A. SPINNER
GERY W. EDSON (Boise Office)

*Also Member D.C. Bar
**Also Member Utah Bar

August 7, 1986

RECEIVED
AUG 11 1986

Rita I. Fleck
Department of Water Resources
450 W. State Street
Boise, ID 83720

Department of Water Resources

Re: Water Right File No. 29-7639
Estate of Frances Lillian Brown, deceased

Dear Ms. Fleck:

Carl O. Brown has forwarded your letter of July 17, 1986 to this office, requesting that we forward a certificate of appointment of Mr. Brown as personal representative for the above referenced estate. Enclosed please find a certified copy of Letters Testamentary in the Estate of Francis Lillian Brown.

If you have any questions regarding this matter please feel free to call.

Very Truly Yours,

GREEN, SERVICE, GASSER & KERL


Archie W. Service

AWS/dt
Enclosure
5/2/219/1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL
JULY 31, 1986

138948

BROWN, FRANCES L.
P.O. BOX 66
LAVA HOT SPRINGS, ID 83246

PROOF DUE NOTICE

RE: PERMIT NO. 29-7639

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 OCTOBER 1, 1986. (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 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 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



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

July 17, 1986

Carl O. Brown
P.O. Box 66
Lava Hot Springs, ID 83246

Dear Mr. Brown:

The purpose of this letter is to notify you that this office has received the Certificate of Death for Frances Lillian Brown. The certificate will be come a part of Water Right File No. 29-7639.

For future dealings with Water Right No. 29-7639, you will need to submit a Certificate of Appointment as a personal representative for Frances Brown's estate to this office.

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

Sincerely,

RITA I. FLECK

Secretary/Records Manager

1s

State of Idaho CERTIFICATE OF DEATH

State File No. _____
Local Reg. No. 6778

ONLY A COPY OF THIS DOCUMENT, CERTIFIED BY THE STATE REGISTRAR, WITH THE DEPT. OF HEALTH & WELFARE RAISED EVIDENCE OF THIS DEATH UNDER IDAHO CODE 36-34-101 & 36-37-101. SHALL BE USED AS PRIMA FACIE

DECEDENT TYPE OR PRINT IN PERMANENT BLACK INK DO NOT USE FELT TIP PEN	DECEDENT — NAME FIRST		MIDDLE		LAST		SEX	DATE OF DEATH (Mo., Day, Yr.)
	Frances Lillian		Brown				Female	May 7, 1986
	RACE (White, Black, American Indian, Japanese, etc.)	AGE - Last Birthday (Yrs.)	UNDER 1 YEAR	UNDER 1 DAY	DATE OF BIRTH (Mo., Day, Yr.)		COUNTY OF DEATH	
	White	96			Nov. 4, 1893		Bannock	
CITY, TOWN OR LOCATION OF DEATH		HOSPITAL OR OTHER INSTITUTION — Name (If not in either, give street and number)		IF HOSP. OR INST. Indicate DOA, Outpatient, Inpatient (Specify)				
Lava Hot Springs		317 Main Street-Lava Idaho		N/A				
STATE OF BIRTH (If not in U.S., name country)	CITIZEN OF WHAT COUNTRY	MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify)		SURVIVING SPOUSE (If wife, give maiden name)		WAS DECEDENT EVER IN U.S. ARMED FORCES? (Yes or No)		
Colorado	USA	Widowed		None		No		
SOCIAL SECURITY NUMBER		USUAL OCCUPATION (Give kind of work done during most of working life, even if retired)		KIND OF BUSINESS OR INDUSTRY				
712-07-6660		Telegraph Operator		Railroad				
RESIDENCE STATE	COUNTY	CITY, TOWN OR LOCATION		STREET AND NUMBER		INSIDE CITY LIMITS (Yes or No)		
Idaho	Bannock	Lava Hot Springs		317 Main Street		no		
FATHER — NAME		BIRTHPLACE		MOTHER — MAIDEN NAME		BIRTHPLACE		
William Trevorrow		Unknown		Susie E. Hocking		Michigan		
INFORMANT — NAME		MAILING ADDRESS		STREET OR R.F.D. NO.		CITY OR TOWN		STATE
Carl Brown		P.O. Box 66 Lava Hot Springs Id.		83246				
DISPOSITION IF DEATH WAS DUE TO OTHER THAN NATURAL CAUSES, THE CORONER MUST COMPLETE AND SIGN THE CERTIFICATE	BURIAL, CREMATION, OUTOF STATE REMOVAL, OTHER (Specify)	DATE	CEMETERY OR CREMATORY — NAME		LOCATION	CITY OR TOWN		STATE
	Cremation	May 7, 1986	Grove City Cemetery		Blackfoot Id			
	MORTICIAN (Signature)	LICENSE NO.	NAME OF FACILITY		ADDRESS OF FACILITY			
	David L. Hickey	M-510	Downard Funeral Home		241 N. Garfield Pocatello			
CERTIFIER IF DEATH WAS DUE TO OTHER THAN NATURAL CAUSES, THE CORONER MUST COMPLETE AND SIGN THE CERTIFICATE	21a. I hereby certify that I attended the deceased from _____ to _____		22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated.					
	I last saw the deceased alive on _____ to the best of my knowledge.		(Coroner's Signature)					
	death occurred at the time, date and place and due to the cause(s) stated.		DATE SIGNED (Mo., Day, Yr.)		HOUR OF DEATH			
	(Signature and Title)		10:15 A.M.		Pronounced Dead (Mo., Day, Yr.)		Pronounced Dead (Hour)	
NAME AND ADDRESS OF CERTIFIER (PHYSICIAN OR CORONER) (Type or Print)								
Jim Allen (Bannock County Coroner) 2135 Ada-Pocatello Id. 83201								
REGISTRAR		DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.)						
Gloria Dopita Deputy Registrar		5/8/86						
CAUSE OF DEATH CONDITIONS IF ANY WHICH GAVE RISE TO IMMEDIATE CAUSE STATING THE UNDERLYING CAUSE LAST	PART I 25. IMMEDIATE CAUSE - Enter Only One Cause Per Line For (a), (b), (c)		Interval between onset and death					
	(a) DUE TO, OR AS A CONSEQUENCE OF:		Immediate					
	(b) DUE TO, OR AS A CONSEQUENCE OF:		Seconds					
	(c) DUE TO, OR AS A CONSEQUENCE OF:							
PART II OTHER SIGNIFICANT CONDITIONS — Conditions contributing to death but not related to cause given in PART I (a)		AUTOPSY (Yes or No)						
		No						
TO BE USED FOR EXTERNAL CAUSES ONLY	ACC. SUICIDE, HOM. OR PENDING INVEST. (Specify)	DATE OF INJURY (Mo., Day, Yr.)	HOUR OF INJURY	DESCRIBE HOW INJURY OCCURRED				
	Accident	5-7-86	10:15	Fell Down Stairs				
	INJURY AT WORK (Yes or No)	IF TRANSPORTATION ACCIDENT, Specify	PLACE OF INJURY — As home, farm, street, location, other (Specify and (Specify)	LOCATION STREET OR R.F.D. NO., CITY/TOWN OR COUNTY				
	NO	Driver Passenger Pedestrian	Home	317 Main St. Lava Idaho				

(STATE OF IDAHO)
(County of Bannock)

THIS IS TO CERTIFY that this is a true copy of a death certificate filed with the Idaho Department of Health and Welfare under Title 39, Idaho Code. The local Deputy State Registrar in the Southeastern District Health Department issued this copy with local registration number affixed under authority granted to the State Registrar (IDAPA 16.02.8150.02b). Copies of this certificate made at a later date may reflect legal amendments made subsequent to this issuance.

May 8, 1986
Date Issued

See Liger, R.W.
State Registrar of Vital Statistics



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

September 26, 1984

Frances L. Brown
P. O. Box 66
Lava Hot Springs, ID 83246

Dear Ms. Brown:

Re: Permit No. 29-7639

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use is extended to October 1, 1986.

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.

I note that you have done all of the construction on the wells presently dug and I want to make you aware that the Idaho Code requires that any well deeper than 18 feet, which is constructed by power-driven mechanical equipment must be constructed by a water well driller licensed in the State of Idaho.

For your protection and the protection of other water users, any well you construct or have constructed must be constructed, maintained and/or abandoned such that surface water and groundwater do not mix. Also, any hot and cold groundwater must not mix.

MICROFILMED

Frances Brown

-2-

September 26, 1984

If you have any questions pertaining to well construction or abandonment or licensed drillers, contact Gerald Ramsey in our Idaho Falls Office at 525-7161.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

cc: Eastern Region

MICROFILMED

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 29-7639

Y Date received stamp
Y Fee received and receipted
Y Name on request same as on permit
Y Address same permit as on latest correspondence
Y Proof due date within six months of due date
Y Signature same as permit
Y Source of water the same
Y Review conditions of approval
N Extensions previously approved
Y Proceed diligently
N Is delay caused by litigation: _____ Swan Falls
 Date lit. completed _____
 Date lit. began _____
 Period of delay _____
 New proof due date _____

ACTION: *Note, permit holder has had only two years in which to complete this project.*

Recommend approval based on due diligence

Y Is the extension timely received?
 _____ Reinstated: Extension received _____
 Proof due date _____
 Days late _____
 Priority date _____
 Adjusted priority date _____

Y Is there commencement of works?

special? Cover letter

_____ Coding sheet

_____ Rolodex card updated and refiled

MICROFILMED

Reviewed by _____

Date: 9-20-84



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

EXTENSION OF TIME

August 31, 1984

Carl O. Brown
P. O. Box 66
Lava Hot Springs, ID 83246

PERMIT NO. 29-7639, Frances L. Brown

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. 35030.

Roberta Garrett
Records Supervisor

Enclosure

MICROFILMED

August 28, 1984

Frances L. Brown and Carl Brown
P. O. Box 66
Lava Hot Springs, ID 83246

Dear Ms. and Mr. Brown:

Re: Permit No. 29-7639

Enclosed is the Request for Extension of Time submitted to this office on August 27, 1984 along the \$15.00 filing fee (your check No. 1006 92-86/1241).

Based on the information provided on the request form and my telephone conversation with your brother, I cannot recommend approval of the extension request. So instead of acting officially on your extension, I'm returning it along with the filing fee. You may wish to document the form with the amount of work completed; and return the request and fee for the department's consideration or you may wish to let this permit lapse. At some time in the future, you may again apply for a water right permit. However, you are named as a defendant in the pending Swan Falls litigation with Idaho Power which will make getting another permit more difficult.

If you wish to discuss this matter further, please feel free to contact me at 334-4290.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

cc: Roberta Garrett

MICROFILMED

CONVERSATION MEMORANDUM

DATE 8-26-1984FILE 29-7639NAME OF PARTY Carl BrownEMPLOYEE Rita FleckRE: Extension of Time

I contacted the Brown residence to discuss with Mrs. Frances Brown the status of the development of this permit.

The extension request indicates an expenditure of \$300.00. Mr. Carl Brown, permit holder's brother and power of attorney, explained that this was for labor. He has hired someone to come in and hand-drill at 2 locations in an attempt to locate a hot water source; unfortunately, unsuccessfully.

Mr. Brown is 95 years old and presently in a nursing home.

MICROFILMED

August 23, 1984

Frances Lillian Brown
P. O. Box 66
Lava Hot Springs, ID 83246

Dear Ms. Brown:

Re: Permit No. 29-7639

Enclosed is the Statement of Beneficial Use postcard submitted to this office on August 7, 1984.

Please be advised that the Department cannot accept the postcard at this time since you have not developed a water right. You have applied for a permit to drill for hot water from a ground water source to use for heating. From the statement on the postcard, it is my understanding that you wish to have additional time in which to try for a hot water source.

If this is the case, please complete and return the enclosed Request for Extension of Time. Note that there is a \$15.00 filing fee. If this request is approved, the Department can give you an additional period of time up to five year in which to complete the project. Please be advised that the request should reach this office before October 1 to keep your permit in good standing.

If you have any quesitons concerning this matter, please feel free to contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

MICROFILMED

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

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

138063

BROWN, FRANCES L.
P.O. BOX 66
LAVA HOT SPRINGS, ID 83246

P R O O F D U E N O T I C E

J U L Y 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 29-7639 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE OCTOBER 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,

RITA FLECK
SECRETARY/RECORDS MANAGER

MICROFILMED

ENCLOSURES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

BROWN, FRANCES L.
P.O. BOX 66
LAVA HOT SPRINGS, ID 83246

OCTOBER 13, 1982

RE: PERMIT NO. 29-7639

DEAR PERMIT HOLDER:

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

IN NOVEMBER, 1981, A REPRESENTATIVE OF THIS DEPARTMENT MET WITH THE WATER-
USERS IN THE TRAIL CREEK DRAINAGE BASIN REGARDING CONCERNS THAT DOMESTIC
WELLS ARE ADVERSELY AFFECTED BY PUMPING FOR IRRIGATION PURPOSES.
THEREFORE, PLEASE BE ADVISED THAT GROUNDWATER WATER SUPPLIES IN THE AREA OF
YOUR PROPOSED WELL MAY BE LIMITED.

SINCERELY,

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

ENCLOSURE

RECEIVED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWT APPLICATION NUMBER: 29 7639

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☒ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☒ No* In form to receipt.

Field check by: _____
Date: _____
Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
☒ Yes ☐ No Final date for protests: June 8th, 1982 ✓
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 6-02-82 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
☒ 5-6-82 Date of priority recommended.
✓ Special conditions of approval or cover letter. _____
Call 26, 09C, 20

By: Ernest Carlson Date: Sept. 20, 1982

STATE OFFICE REVIEW:

return receipt
SLW/L13, L12
26 09C 20A (8-12-82)

☐ See attached sheet for more information.
By: Relip Date: 9/28/82

RECEIVED

SEP 23 1982

Department of Water Resources

September 17, 1982

RE: Application for Permit No. 29-7639

Frances Lillian Brown
P.O. Box 66
Lava Hot Springs, Idaho 83246

Dear Ms. Brown:

This is to advise you that Archie W. Service, Attorney, in behalf of Lava Hot Springs Foundation, has withdrawn their protest against approval of the above referenced application. The Department will take no further action in setting a hearing in this matter and has resumed the processing of your application.

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

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

RECEIVED
SEP 21 1982
FBI - IDAHO

September 17, 1982

RE: Application for Permit No. 29-7639 BROWN

Archie W. Service
Attorney at Law
P.O. Box 4383
Pocatello, Idaho 83201

Dear Mr. Service:

This is to acknowledge receipt of your withdrawal of protest against approval of the above referenced application. The Department will take no further action in setting a hearing in this matter.

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

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

cc: Lava Hot Springs Foundation

RECEIVED

JAMES B. GREEN
ARCHIE W. SERVICE
CLARK GASSER
RON KERL
JIM D. PAPPAS
DUANE A. BYBEE
FREDERICK L. RINGE

ALBERTA M. PHILLIPS
STEVEN V. RICHERT
STEVEN A. THOMSEN

GREEN, SERVICE, GASSER & KERL
ATTORNEYS AT LAW
CENTER PLAZA — P.O. BOX 4883
POCATELLO, IDAHO 83201-0883
TELEPHONE (208) 232-4471

ROBERT M. TERRELL
1883 - 1971

RECEIVED

SEP 2 1982

Department of Water Resources
Eastern District Office

September 1, 1982

State of Idaho
Water Resources Dept.
Eastern Division
ATTENTION: ERNEST CARLSEN
150 Shoup
Idaho Falls, ID 83401

Re: Permit No. 29-7639

Dear Mr. Carlsen:

With reference to the above enclosed please find Agreement reached between the Browns and the Lava Hot Springs Foundation with reference to the above application.

Contingent upon and subject to the provisions in that Agreement, the Lava Hot Springs Foundation herewith withdraws its protest of June 4, 1982.

If this is satisfactory with the Department, please advise.

Very truly yours,

GREEN, SERVICE, GASSER & KERL


Archie W. Service

AWS:mdc
Enclosure
c: Lava Hot Springs Foundation

RECEIVED

RECEIVED

SEP 2 1982

Department of Water Resources
Eastern District Office

GREEN, SERVICE,
GASSER & KERL
Attorneys at Law
P.O. Box 4883
Pocatello, Idaho
83201-0883
(208) 232-4471

AGREEMENT

THIS AGREEMENT entered into this 12 day of August, 1982, by and between FRANCES LILLIAN BROWN and CARL O. BROWN, of Lava Hot Springs, Idaho, hereinafter for convenience called "BROWN" and the LAVA HOT SPRINGS FOUNDATION, an agency of the State of Idaho of Lava Hot Springs, Idaho, hereinafter for convenience called "LAVA".

RECITALS:

BROWN has made application for water rights with the Department of Water Resources, State of Idaho, for permit to use a well and pump to obtain a source of water.

LAVA, in the past, has objected to similar wells and pumps in order to insure that such use would in no way reduce, contaminate or in any way impede either temperature or flow of hot waters arising, seeping and flowing through the land ceded to the State of Idaho and particularly described in Idaho Code §67-4403 for which the Foundation is responsible for maintenance and utilization for the public use. The springs thereon discharge an estimated 2 to 3 cfs of 100°F to 140°F geothermal water. Said lands are particularly described, to-wit:

The Northwest Quarter of the Southwest Quarter, and Lots 9 and 10 in Section 22, and Lots 7 and 8 in Section 21, in Township 9, South, Range 38 East of the Boise Meridian, together with all and

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GREEN, SERVICE,
GASSER & KERL
Attorneys at Law
P.O. Box 4883
Pocatello, Idaho
83201-0883
(208) 232-4471

singular the tenements, hereditaments
and appurtenances thereunto belonging,
or in anywise appertaining, and the hot
springs and hot waters arising and
flowing thereon, in Bannock County,
State of Idaho.

The parties mutually acknowledge that the result
and consequences of such use of well and pump by BROWN
is unknown to both.

THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL
PROMISES HEREIN AND OTHER GOOD AND VALUABLE
CONSIDERATION, IT IS AGREED AS FOLLOWS:

1. That based upon the following conditions,
promises and stipulations herein contained LAVA will
not protest the application of BROWN.

2. If permit is issued by the Idaho Water
Resources Board, BROWN at their own expense and
financial risk will drill and/or use the well and pump
as permitted by the State of Idaho.

3. If after use of said well and pump LAVA can
establish by reasonable weight of the evidence, as
certified to LAVA, in writing, by a geologist or
hydrologist knowledgeable in the discipline of
discharge and seepage of underground water, that the
discharge and seepage from their springs, in either
flow or temperature, has been reduced, contaminated or
in any way impeded as a result of the installation or
use of this well and pump, then BROWN, within sixty
(60) days after being served with this certification,
will cap and otherwise cease to operate the well to be
granted by permit.

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GASSER & KERL
Attorneys at Law
P.O. Box 4883
Pocatello, Idaho
83201-0883
(208) 232-4471

If BROWN should disagree with the findings of the certification, then within thirty (30) days after service of the certification they shall have the right to contest the findings in a court of competent jurisdiction. Otherwise, should BROWN within the thirty (30) day period after service of certification neither cap the well nor cease to operate the well nor institute proceedings as above provided in a court of competent jurisdiction, then LAVA may apply to a court of competent jurisdiction for injunctive relief and damages.

4. In the event of adverse certification, as set forth in Paragraph No. 3 above, BROWN will save harmless, indemnify and reimburse LAVA for any damages it may have received or will receive as a result of the operation of said well.

5. In the event of adverse certification, as set forth in Paragraph No. 3 above and providing that BROWN has capped and ceased to operate BROWN'S well, BROWN will not seek reimbursement or indemnification from LAVA for any economic expenditures or damages BROWN may claim because of the installation or use of the well pursuant to Permit No. 29-7639.

6. This Agreement shall touch and run with the land; shall be binding upon the heirs, exeuctors, successors and assigns of each party hereto; and, if so provided by the Water Resource Department, shall be appended to Permit No. 29-7639.

02/11/2004

GREEN, SERVICE,
GASSER & KERL
Attorneys at Law
P.O. Box 4883
Pocatello, Idaho
83201-0883
(208) 232-4471

LAVA HOT SPRINGS FOUNDATION

By: *[Signature]*

Witness:

Frances Lillian Brown
by Carl O. Brown
Product Representative
Frances Lillian Brown
FRANCES LILLIAN BROWN

[Signature]
CARL O. BROWN

Witness:

STATE OF IDAHO)
)^{ss}
County of Bannock)

On this 30 day of July, 1982, before me,
the undersigned Notary Public in and for said county
and state, personally appeared FRANCES LILLIAN BROWN
and CARL O. BROWN, known to me to be the persons whose
names are subscribed to the within instrument, and
acknowledged to me that they 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 Idaho
Residing at: Pocatello

GREEN, SERVICE,
GASSER & KERL
Attorneys at Law
P.O. Box 4883
Pocatello, Idaho
83201-0883
(208) 232-4471

STATE OF IDAHO)
)^{ss}
County of Bannock)

On this ~~12~~ day of August, 1982, before me,
the undersigned Notary Public in and for said county
and state, personally appeared FLOYD JENSEN, known to
me to be the Chairman of the Lava Hot Springs
Foundation that executed the foregoing instrument, and
acknowledged to me that he executed the same on behalf
of said Foundation.

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)


NOTARY PUBLIC for Idaho
Residing at: Pocatello

RECORDED

June 15, 1982

Frances Lillian Brown
P.O. Box 66
Lava Hot Springs, ID 83246

Dear Ms. Brown:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 29-7639. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

cc: IDWR - State Office

June 15, 1982

RE: Application for Permit 29-7639 BROWN

Lava Hot Springs Foundation
Lava Hot Springs,
Idaho 83246

Gentlemen:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office
Archie Service, Attorney

JAMES B. GREEN
ARCHIE W. SERVICE
CLARK GASSER
RON KERL
JIM D. PAPPAS
DUANE A. BYBEE
FREDERICK L. RINGE

ALBERTA M. PHILLIPS
STEVEN V. RICHERT

— GREEN, SERVICE, GASSER & KERL

ATTORNEYS AT LAW

CENTER PLAZA - P. O. BOX 4883
POCATELLO, IDAHO 83201

TELEPHONE (208) 232-4471

June 4, 1982

ROBERT M. TERRELL
1883 - 1971

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JUN 7 1982

Department of Water Resources
Eastern District Office

Director
Idaho Department of Water Resources
150 Shoup Avenue
Idaho Falls, ID 83402

Re: Francis L. Brown, Permit No. 29-7639
Thomas J. Moore

Dear Sir:

Enclosed find Protest Against Approval for Permit No. 29-7639 in the name of Frances L. Brown and Protest Against Approval for Permit Requested by Thomas J. Moore, d/b/a The Royal Hotel of Lava Hot Springs, Idaho. Would you please file both.

Thank you.

Very truly yours,

GREEN, SERVICE, GASSER & KERL

Steven Richert
for Archie W. Service

mdc

Enclosures

Protest returned on Royal Hotel CW 6-15-82

RECEIVED

JUN 7 1982

Department of Water Resources
Eastern District Office

GREEN, SERVICE,
GASSER & KERL
Attorneys at Law
P.O. Box 4883
Pocatello, Idaho
83201-0883
(208) 232-4471

PROTEST AGAINST APPROVAL

FOR PERMIT NO. 29-7639

IN THE NAME OF FRANCES L. BROWN

PLEASE TAKE NOTICE that the Lava Hot Springs Foundation and the State of Idaho, Lava Hot Springs, Idaho 83246, by and through its attorney, Archie W. Service, hereby lodges protest against the above application for water permit on the grounds that said application detrimentally interferes and compromises the geothermal claims filed and owned by the Lava Hot Springs Foundation and the State of Idaho in that the said proposed permit may impede the flow and temperature of said geothermal water.

DATED This 4 day of June, 1982.

GREEN, SERVICE, GASSER & KERL
Attorneys for Lava Hot Springs
Foundation

BY Steve Robert
for Archie W. Service

RECEIVED

29-7639

BROWN, FRANCES L.

P.O. BOX 66, LAVA HOT SPRINGS, ID 83246

Source: GROUNDWATER

Date Filed: 05/06/1982

Amount: 0.02 CFS

Diversion Point: SESE Sec 21 T 09S R 38E, BANNOCK Co.

Use: HEATING (0.02 CFS) from 01/01 to 12/31

Place of Use: SESE Sec 21 T 09S R 38E

Diversion Means: WELL & PUMP

RECORDED

May 3, 1982

Frances Lillian Brown
P.O. Box 66
Lava Hot Springs, Idaho 832460066

Dear Applicant:

Enclosed is the application for permit and check # 92-23 for \$10.00 that you submitted to this office. Because of the nature of the proposed beneficial use it is not necessary to file an application for geothermal resources, but you need to file for groundwater usage. Therefore, an application for permit has been completed for your convenience and is enclosed.

Please review, sign and return the application along with the current filing fee of \$30.00 to this office. Upon receipt of the completed application, processing will begin.

Please feel free to contact this office for any additional assistance that may be needed.

Sincerely,

KEITH C. WILSON
Sr. Resource Agent

KCW:bp

Enclosures