

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-7459)
IN THE NAME LAVA RANCH PROPERTY)
OWNERS ASSOCIATION)

ORDER

This matter having come before the Idaho Department of Water Resources (Department) the Department finds as follows:

FINDINGS OF FACT

1. On October 28, 1982, the Director of the Department of Water Resources issued Permit No. 29-7459 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before September 1, 1987.
2. On June 30, 1987, the Department sent a proof due notice to the permit holder.
3. On September 18, 1987, the Department sent a lapse notice to the permit holder since neither an acceptable proof of beneficial use nor an acceptable request for extension of time had been received from the permit holder.
4. On November 17, 1987, the permit became of no force nor effect.
5. December 2, 1987, the department received an assignment from Lava Ranch Partnership to Lava Ranch Property Owners Association and a proof of beneficial use form from Lava Ranch Property Owners Association.

RECORDED

NOV 21 1988

6. Section 42-218a.2., Idaho Code, authorizes the Department to reinstate a lapsed permit with the priority date advanced to the date that proof of beneficial use was received.

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use.
2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.
3. The permit should be reinstated under the provisions of Section 42-218a.2., Idaho Code with an advanced date of priority.

ORDER

IT IS THEREFORE HEREBY ORDERED that Permit No. 29-7459 is REINSTATED.

IT IS FURTHER ORDERED that the date of priority of this permit is advanced to December 2, 1988.

Dated this 13th day of October, 1988.


L. GLEN SAXTON
Chief, Operations Bureau

MICROFILMED

NOV 21 1988

RECEIVED

DEC 02 1987

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

Department of Water Resources

I, LAVA RANCH PARTNERSHIP, hereby assign to Lava Ranch Property Owners Association
of P.O. Box 392, Pocatello, Idaho 83204
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 29-7459
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 23 day of Nov., 19 87.

X Lava Ranch
Barry J. Bullen
Permit Holder

Spouse of Permit Holder

State of ~~Idaho~~ Utah)
County of Cache) ss.

On this 23rd day of November, 19 87, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Linda Wilson
Notary Public residing at
Logan, Utah **MICROFILMED**

My commission expires:
04-18-89

NOV 21 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant LAVA RANCH PARTNERSHIP Phone (208) 776-5420

Post office address P.O. BOX 365, LAVA HOT SPRINGS, IDAHO

2. Source of water supply Deer Creek which is a tributary of Portneuf River

3. Location of point of diversion is S.W. ¼ of S.E. ¼ of Section 7 Township 10S

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

4. Water will be used for the following purposes:

Amount 11² Ac. ft. for Fish propogation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.07 cfs for Stock watering purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated:

a. 0.07 cubic feet per second and/or b. 11² acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Outlet works consist of a 24"
watermain gate valve & 24" CMP.

b. Height of storage dam 13⁵ feet, active reservoir capacity 8.34 acre-feet; total reservoir
capacity 14.36 acre-feet, materials used in storage dam: Earth fill

Period of year when water will be diverted to storage Jan. 1 to Dec. 31 inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years). (Dam is an old existing structure)

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: S.W. ¼ of S.E. ¼ of Section 7 Township 10S

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 Cattle, horses. Up to 300 head

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water none.

(5) If water is to be used for other purposes describe: Stock watering & fish culture.

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.

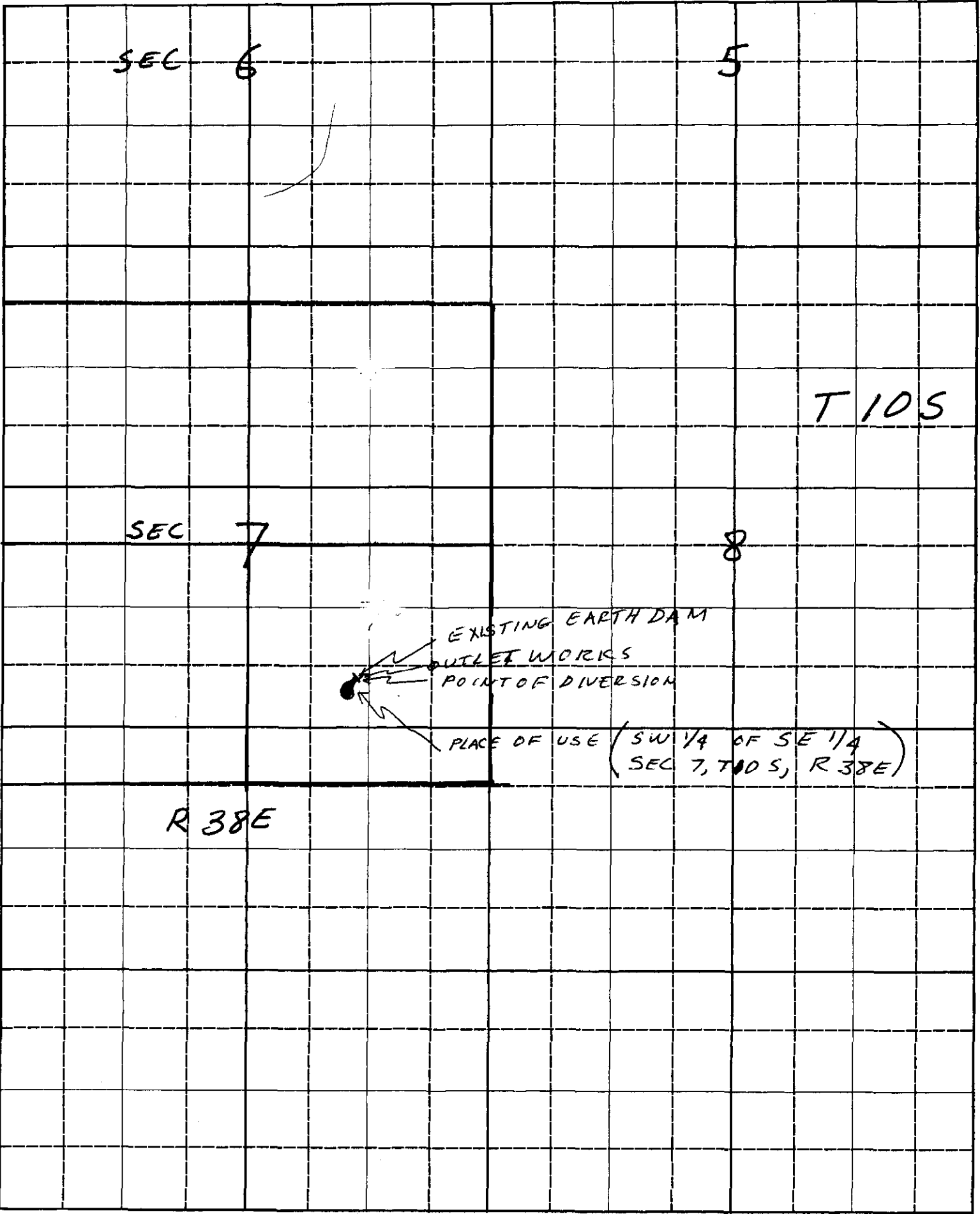
9. a. Who owns the property at the point of diversion LAVA RANCH PARTNERSHIP

b. Who owns the land to be irrigated or place of use LAVA RANCH PARTNERSHIP

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 The earth fill dam is existing. It was constructed prior to 1960.

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.

Donna J. Bullard

(Applicant)

AUGUST 29, 1978

Priority date: Sept. 1, 1978

Received by dh Date 9.1.78 Time 11:30 AM

Preliminary check by APR Fee \$ \$20.00 # 11521

Receipted by dh Date 9.1.78

Publication prepared by dh Date 9.6.78

Published in IDAH0 STATE JOURNAL

Publication dates SEPT 14 - 21, 1978

Publication approved Q7 Date 9-27-78

Protests filed by: Nathan N. Casperson, Calvin A. Rowsell, Kenneth Andrus, Bishop,

Vance Casperson, Mr. & Mrs. Jesse Wilson, David C. Miller, M.D., Kathryn A. Fagnant, Arlin G. Olson, Golden Avery & Jolene Johnson - Lava Irrig. Co., Leland & Maxine Avery, Topaz Irrigation Co. - Gene Fagnant, Dean Day, Albert E. Roberts, Lynn Bowman, D. Neil Hill

Copies of protests forwarded by dh 10.03.78

Hearing held by _____ Date _____

Recommended for approval denial by _____

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. 29-7459, 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 September 1, 19 87.

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: _____

PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER

AND ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER

Witness my hand this 28th day of October, 19 82.


Director

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
)
OF APPLICATION FOR PERMIT NO. 29-7459 IN)
)
THE NAME OF LAVA RANCH PARTNERSHIP)
)

MICROFILM

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTED APPLICATION FOR)	PROPOSED
PERMIT NO. 29-7459 IN THE NAME OF LAVA)	MEMORANDUM DECISION
RANCH PARTNERSHIP)	AND ORDER

On September 1, 1978, Lava Ranch Partnership submitted Application No. 29-7459 for a permit to appropriate 11 acre-feet per annum of water from Deer Creek tributary to Dempsey Creek thence the Portneuf River by means of a dam located within the SW1/4SE1/4, Sec. 7, Twp. 10S, Rge. 38E, B.M., Bannock County. The stored water will be used from January 1 to December 31 for fish propagation and 0.07 cubic feet per second of water for stockwatering within the SW1/4SE1/4, Sec. 7, Twp. 10S, Rge. 38E B.M. The water will be diverted to storage from January 1 to December 31.

Notice of this application was published on September 14 and 21, 1978 in the Idaho State Journal and subsequently protested on October 2, 1978 by Nathan N. Casperson, Calvin A. Rowsell, Bishop Kenneth Andrus of the Lava Hot Springs Ward Welfare Farm, Vance Casperson, Mr. and Mrs. Jesse Wilson, David C. Miller, M.D., Kathryn A. Fagnant, Arlin G. Olson, Golden Avery, President and Jolene Johnson, Secretary of the Lava Irrigation Company; Leland and Maxine Avery, Gene Fagnant, Dean Day, Albert E. Roberts and Lynn Bowman of Topaz Irrigation Company. On October 3, 1978, the Department received an additional protest from D. Neil Hill.

On Tuesday, November 14, 1978, the Department conducted a conference in the matter at the Pocatello Municipal Airport, Pocatello, Idaho. John A. Bradshaw of Great Basin Engineering, Inc. and Dennis Bullock were present and represented the applicant. The protestants, Lava Irrigation Company and Topaz Irrigation Company, were represented by Calvin Rowsell and Gene Fagnant, respectively. Other protestants present were Nathan N. Casperson, Jesse M. Wilson, David C. Miller, M.D. and Leland and Maxine Avery. Mrs. Arlin Olson was present and represented Kathryn Fagnant and Arlin Olson. Protestants not present were Vance Casperson, D. Neil Hill and Bishop Kenneth Andrus of the Lava Hot Springs Ward Welfare Farm.

At the conclusion of the conference, those present agreed that the Department should make a decision based on the information presented and any

additional information contained in the Department's files. The hearing officer having reviewed available information and based on his understanding of the law proposes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The topographic map for Lava Hot Springs, Idaho printed by the U.S. Geological Survey indicates the dam and reservoir were existing in 1968, prior to the property being purchased by the applicant.

2. Historically, the reservoir was utilized for watering stock and no water was released from the reservoir to flow downstream into Dempsey Creek other than that which flowed over the crest of the dam.

3. The applicant reconstructed the dam and raised the crest but has left the spillway at the same elevation as the crest of the original dam. Outlet works have also been installed during the construction of the new dam.

4. During the non-irrigation season there is water available for storage without adversely effecting existing rights.

CONCLUSIONS OF LAW

1. The beneficial use of water proposed by the applicant is essentially the same as that which has taken place for at least ten years prior to the application without opposition by the waterusers of Dempsey Creek and with no apparent interference to existing water rights.

2. The storage of water during the non-irrigation season will not adversely effect existing irrigation rights.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 29-7459 be and is APPROVED subject to the following conditions:

1. Subject to all prior water rights.

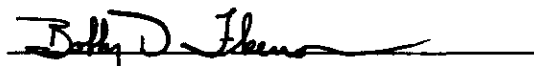
2. The applicant shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is completed and proof of construction of works and application of water to beneficial use be submitted on or before the date indicated on the Order Adopting Proposed Decision.

3. A measuring device of a type approved by the Department of Water Resources shall be installed in a manner so that the releases from storage can be compared to the inflow to the reservoir.

4. Use of water under this permit is subject to control by the watermaster of State Water District No. 29, Portneuf River.

5. The storage of water is contingent upon certification by the Department of Water Resources of the applicant's dam under the Dam Safety Provisions of the Idaho Code, authorizing storage.

Dated this 13 day of August, 1982.



BOBBY D. FLEENOR

Hearing Officer

WIC
10/10/82

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTED APPLICATION
FOR PERMIT NO. 29-7459 IN THE NAME OF
LAVA RANCH PARTNERSHIP

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 28 day of October, 1982, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER, was mailed postage prepaid to:

Gene Fagnant
Dean Day
Albert E. Roberts
Lynn Bowman
Topaz Irrigation Co.
P. O. Box 293
Lava Hot Springs, ID 83246

Golden Avery, President
Jolene Johnson, Secretary
Lava Irrigation Company
Lava Hot Springs, ID 83246

Kathryn A. Fagnant
Arlin G. Olson
P. O. Box 644
Lava Hot Springs, ID 83246

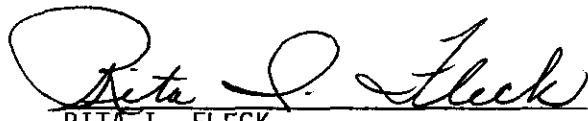
David C. Miller, M.D.
P. O. Box 4804
Pocatello, ID 83201

Calvin A. Rowsell
Lava Hot Springs, ID 83246

Leland and Maxine Avery
P. O. Box 183
Lava Hot Springs, ID 83246

Nathan N. Casperson
Lava Hot Springs, ID 83246

Lava Ranch Partnership
P. O. Box 365
Lava Hot Springs, ID 83246


RITA I. FLECK
Sr. Secretary



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

IN THE MATTER OF

ORDER ISSUING
PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Fleenor, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on November 14, 1978, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

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

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision, and
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.
BRIEFS

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

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

III.
ORAL ARGUMENTS

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

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

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

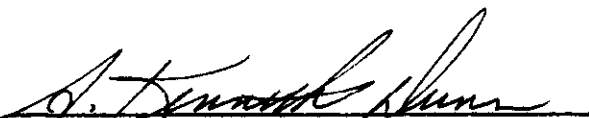
IV.
CERTIFICATION OF SERVICE

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

V.
FINAL DECISION

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

DATED this 13th day of August, 19 .


A. KENNETH DUNN
Director
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTED APPLICATION)
FOR PERMIT NO. 29-7459 IN THE NAME OF) CERTIFICATE OF MAILING
LAVA RANCH PARTNERSHIP)
_____)

I HEREBY CERTIFY That on this 13th day of August, 1982, true and correct
copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM
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Dean Day
Albert E. Roberts
Lynn Bowman
Topaz Irrigation Company
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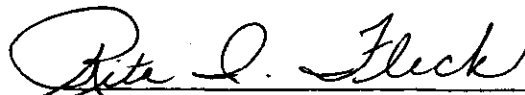
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Lava Hot Springs, ID 83246

Lava Ranch Partnership
P.O. Box 365
Lava Hot Springs, ID 83246



RITA I. FLECK
Sr. Secretary
Idaho Department of Water Resources

RECEIVED
AUG 14 1982
IDAHO DEPARTMENT OF WATER RESOURCES

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

The second page
of pro. decision has
typographical errors.

Resent 8-14-82



SIGNATURE

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

IN THE MATTER OF PROTESTED)
APPLICATION FOR PERMIT NO.)
29-7459 IN THE NAME OF LAVA)
RANCH PARTNERSHIP)
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CERTIFICATION OF SERVICE

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V.
FINAL DECISION

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

DATED this 26th day of July, 1982.


A. KENNETH DUNN
Director
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTED APPLICATION FOR)	PROPOSED
PERMIT NO. 29-7459 IN THE NAME OF LAVA)	MEMORANDUM DECISION
RANCH PARTNERSHIP)	AND ORDER

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On Tuesday, November 14, 1978, the Department conducted a conference in the matter at the Pocatello Municipal Airport, Pocatello, Idaho. John A. Bradshaw of Great Basin Engineering, Inc. and Dennis Bullock were present and represented the applicant. The protestants, Lava Irrigation Company and Topaz Irrigation Company, were represented by Calvin Rowsell and Gene Fagnant, respectively. Other protestants present were Nathan N. Casperson, Jesse M. Wilson, David C. Miller, M.D. and Leland and Maxine Avery. Mrs. Arlin Olson was present and represented Kathryn Fagnant and Arlin Olson. Protestants not present were Vance Casperson, D. Neil Hill and Bishop Kenneth Andrus of the Lava Hot Springs Ward Welfare Farm.

At the conclusion of the conference, those present agreed that the Department should make a decision based on the information presented and any

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FINDINGS OF FACT

1. The topographic map for Lava Hot Springs, Idaho printed by the U.S. Geological Survey indicates the dam and reservoir were existing in 1968, prior to the property being purchased by the applicant.

2. Historically, the reservoir was utilized for watering stock and no water was released from the reservoir to flow downstream into Dempsey Creek other than that which flowed over the crest of the dam.

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3. During the non-irrigation season there is water available for storage without adversely affecting existing rights.

4. During the non-irrigation season there is water available for storage without adversely effecting existing rights.

CONCLUSIONS OF LAW

1. The beneficial use of water proposed by the applicant is essentially the same as that which has taken place for at least ten years prior to the application without opposition by the waterusers of Dempsey Creek and with no apparent interference to existing water rights.

2. The storage of water during the non-irrigation season will not adversely effect existing irrigation rights.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Permit No. 29-7459 be and is APPROVED subject to the following conditions:

1. Subject to all prior water rights.

2. The applicant shall commence the excavation or construction of diverting works within one year of the date this application is issued and shall proceed diligently until the project is completed and proof of construction of works and application of water to beneficial use be submitted on or before the date indicated on the Order Adopting Proposed Decision.

3. A measuring device of a type approved by the Department of Water Resources shall be installed in a manner so that the releases from storage can be compared to the inflow to the reservoir.

4. Use of water under this permit is subject to control by the water-

5. The storage of water is contingent upon certification by the Department of Water Resources of the applicant's dam under the Dam Safety Provisions of the Idaho Code, authorizing storage.

Dated this 21 day of July, 1982.



BOBBY D. FLEENOR

Hearing Officer

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTED APPLICATION
FOR PERMIT NO. 29-7459 IN THE NAME OF
LAVA RANCH PARTNERSHIP

CERTIFICATE OF MAILING

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copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM
DECISION AND ORDER, were mailed postage prepaid to:

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Nathan N. Casperson
Lava Hot Springs, ID 83246

Lava Ranch Partnership
P. O. Box 365
Lava Hot Springs, ID 83246



RITA I. FLECK
Sr. Secretary
Idaho Department of Water Resources

RECEIVED
JUL 27 1982
IDAHO DEPARTMENT OF WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTED APPLICATION FOR)	
PERMIT NO. 29-7459 IN THE NAME OF LAVA)	
RANCH PARTNERSHIP)	ORDER

WHEREAS, on September 1, 1978, Lava Ranch Partnership filed Application for Permit No. 29-7459 to appropriate 11 acre-feet per annum of water from Deer Creek tributary to Dempsey Creek thence the Portneuf River within the SW1/4SE1/4, Sec. 7, Twp. 10S, Rge. 38E B.M., Bannock County; and,

WHEREAS, notice of this proposed appropriation was published in the Idaho State Journal, Pocatello, Idaho on September 14 and 21, 1978; and,

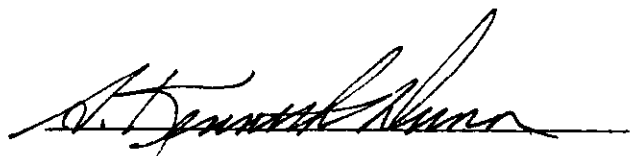
WHEREAS, the Department received protests against approval of said application from Nathan N. Casperson, Calvin A. Rowsell, Bishop Kenneth Andrus of the Lava Hot Springs Ward Welfare Farm, Vance Casperson, Mr. and Mrs. Jesse Wilson, David C. Miller, Kathryn A. Fagnant, Arlin G. Olson, Golden Avery, Lava Irrigation Company, Leland and Maxine Avery, Gene Fagnant, Dean Day, Topaz Irrigation Company and D. Neil Hill; and,

WHEREAS, a hearing in this matter was conducted on Tuesday, November 14, 1978 at 11:00 a.m. in the conference room of the Pocatello Municipal Airport, Pocatello, Idaho at which time the protestants, D. Neil Hill and Bishop Kenneth Andrus of the Lava Hot Springs Ward Welfare Farm failed to appear; and,

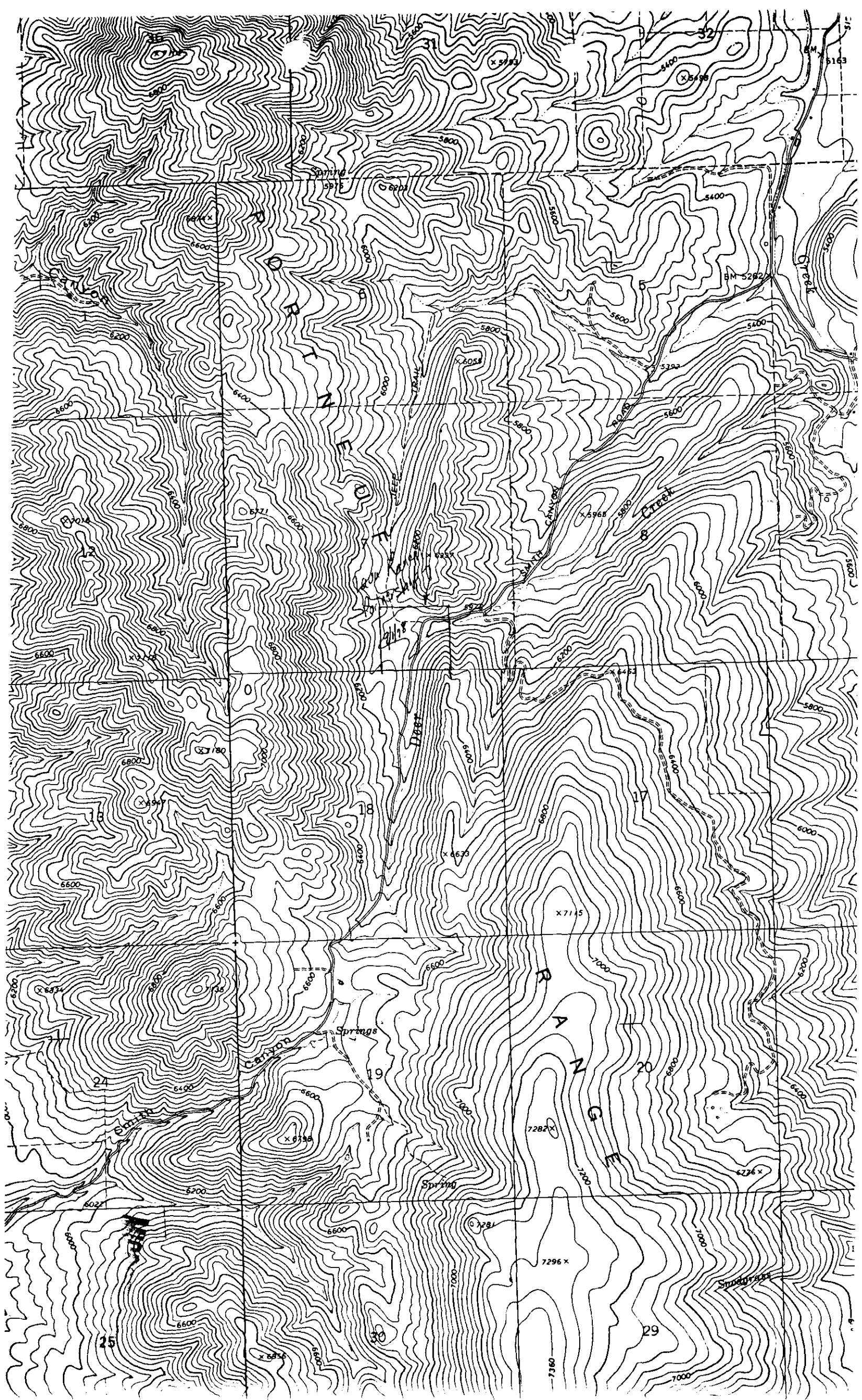
WHEREAS, no response was received from the protestants pursuant to the Department's Order to Show Cause sent by certified mail on January 25, 1982;

IT IS, THEREFORE, HEREBY ORDERED that the protests of Vance Casperson, Lava Hot Springs Ward Welfare Farm and D. Neil Hill be DISMISSED.

Dated this 20 day of July, 1982.


A. KENNETH DUNN
Director

RECEIVED
JUL 27 1982
WATER RESOURCES
DIVISION



PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

Patricia Beck She

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:

September 14, 1978, 19

September 21, 1978, 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.

Patricia Beck

Subscribed and sworn to before me this 25th

day of September, 1978

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

11/1/78

PROOF OF PUBLICATION

STATE OF IDAHO } ss.
County of Bannock }

LEGAL ADVERTISEMENT

B.M. The water will be diverted to storage from January 1, to December 1 each year. If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before October 2, 1978. C. STEPHEN ALLRED
Director
September 14, 21, 1978
No. 722

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between

QUESTION

ANSWER.
American in work was g achievement velopments motion pict and had a tr Edison h after only tl mother, a physics, and teenager, E which gave l In 1868, an electric could not fi an improvec dealt in gold

Edison u facturing sh establish th N.J. Here, i next year, l velopment c system. Edi in New Yo

(Lewis Cana question. Y World Yeari to Junlor E for a prize.)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lava Ranch Partnership, Lava Hot Springs, Idaho, has submitted Application No. 297439 for a permit to appropriate 11 acre feet per annum of water from Deer Creek tributary to Portneuf River by means of a dam located within the SW 1/4 Sec. 7, T. 10S, R. 38E, B.M., Bannock County, to be used from January 1 to December 31 for fish propogation within the SW 1/4 Sec. 7, T. 10S, R. 38E, B.M., and 0.07 cubic feet per second of water for stockwatering of up to 300 head of cattle and horses within the SW 1/4 Sec. 7, T. 10S, R. 38E.

Patricia Beck

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:

_____, 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.

Patricia Beck

Subscribed and sworn to before me this _____

day of _____, 19_____

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

SEP 1978

Deputy Resources
Eastern District Office

Patricia Sech

She

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:

September 14, 1978
September 21, 1978
_____, 19____
_____, 19____
_____, 19____

That said paper has been continuously and uninterruptedly pub-
lished 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.

Patricia Sech

Subscribed and sworn to before me this 25th
day of September, 1978

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

94-10

PROOF OF PUBLICATION

STATE OF IDAHO }
County of Bannock } ss.

LEGAL ADVERTISEMENT

means of a dam located within the SW 1/4 SE 1/4, Sec. 7, T. 10S, R. 38E, B.M., Bannock County; to be used from January 1 to December 31 for fish propagation within the SW 1/4 SE 1/4, Sec. 7, T. 10S, R. 38E, B.M., and 0.07 cubic feet per second of water for stockwatering of up to 300 head of cattle and horses within the SW 1/4 SE 1/4, Sec. 7, T. 10S, R. 38E, B.M. The water will be diverted to storage from January 1, to December 1 each year.

LEGAL ADVERTISEMENT

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lava Ranch Partnership, Lava Hot Springs, Idaho, has submitted Application No. 29-7459 for a permit to appropriate 11 acre feet per annum of water from Deer Creek tributary to Portneuf River by

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before October 2, 1978.
C. STEPHEN ALLRED
Director
September 14, 21, 1978
No. 722

Patricia Seeb
She

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.

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....., 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.

Patricia Seeb

Subscribed and sworn to before me this..... day of....., 19.....

[Signature]

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PA - D

January 4, 1989

RE: Permit No. 29-7459

Lava Ranch Property Owners Association
P.O. Box 392
Pocatello, ID 83204

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

1/88

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 29-7459

Date: 10/13/88

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
_____ Groundwater
_____ 1. well log in file
_____ 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:

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

Remarks:

Proof acceptable
Reinstated

* Priority Calculation:
Date proof received _____

Date proof due _____

No. of days late _____

Priority date _____

NEW PRIORITY DATE _____

cc Rein.
in file

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

RECEIVED
DEC 02 1987

STATE OF IDAHO

Department of Water Resources DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received \$50.00
Date 12-4-87
Receipt # 45764
Receipt by [Signature]
Reviewed by [Signature]
Sent to region _____

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. 29-7459

Name(s) of Permit Holder: Lava Ranch Property Owners Association

Post Office Address: P. O. Box 392, Pocatello, Idaho 83204

Telephone No. None

Source of Water: run off from snow and small springs Deer Creek

Extent of Use:

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

Irrigation (acres) Other/Remark

wildlife and storage for aesthetics and wildlife

Total rate and/or volume for which proof is submitted 0.07 cfs 11 acre-feet

Show the date water was first diverted and beneficially used under this permit:

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☐ Yes ☒ No
Fee enclosed \$ 50.00
(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:

Frank May, President
(Name)

801-279-8421
(Telephone Number)

6740 N Highway 69, Brigham City, Utah 84302
(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.

NOV 21 1988

November 30, 1987
Date

Signature of Permit Holder (and title, if appropriate)

Barry L. Keller, Treasurer, LRPOA

October 13, 1988

Barry L. Keller, Ph.D.
Lava Ranch Property Owners Association
P. O. Box 392
Pocatello, ID 83204

Dear Dr. Keller:

Re: Permit No. 29-7459

This office acknowledges receipt of your letter dated October 5, 1988 regarding the above-referenced permit. Jim and I reviewed this file and apologize for any inconvenience our delay in processing this permit has caused you. Our delay, however, has not affected the status of the permit.

First, we acknowledge and have incorporated the assignment into our records. As of December 2, 1988, Lava Ranch Property Owners Association is considered the permit holder of record.

The next issue to address is the method and considerations for reinstating the permit. We feel there is enough evidence in the file to show the extent of beneficial use during the authorized period, i.e. the dam safety records, correspondence and know there was a delay in acquiring the assignment; consequently, your delay in submitting an acceptable proof of beneficial use. We have waived the request for this information and have reinstated the permit with an advance in priority to the date proof of beneficial use was received, December 2, 1987 under the provisions of Sec. 42-218a.2. A copy of the Order reinstating the permit and a copy of Sec. 42-218a, Idaho Code, is enclosed.

On June 30, 1987, Lava Ranch Partnership, the permit holder of record, was sent a proof due notice. The notice specifically states that either a request for extension of time or proof of beneficial use must be received at the department on or before September 1, 1987. If neither document is received the permit lapses. No document was received; the permit lapsed. This procedure is established by Idaho law.

On September 18, 1987, the notice of lapsing was mailed to the permit holder of record. The notice states that if no document is received within sixty days from the mailing of the lapse notice, the permit is of no further force nor effect. Before the permit could be reinstated, an acceptable request for extension of time or proof of beneficial use must be received. This procedure is also established by Idaho law.

NOV 21 1988

October 12, 1988

On October 19, 1987, the department received a request for extension of time. I returned it on October 20, 1987, since there was not enough information to grant the extension based on the data presented on the extension form. The permit was issued for fish culture and stock watering and the extension did not clearly indicate the tie-in between the amended uses. Also, it was not properly signed. This referred to in my correspondence of October 20, 1988.

My return letter also stated that the additional information must reach this office by November 15. Keep in mind that the permit lapsed and that it could be reinstated within sixty days after the mailing of the lapse notice under the provisions of 42-218a.1., if an acceptable proof of beneficial use form or extension of time form is received within that time. November 15 is within that sixty day period.

In my letter of November 10, 1988, I stressed the importance of submitting a proof of beneficial use. I indicated that depending on the date the proof of beneficial use form was received, that date would determine how the department reinstates the permit. By this I mean that a simple reinstatement, (42-218a.1.) can be accomplished by submitting an acceptable proof of beneficial use form or extension request within sixty days of the mailing of the lapse notice. Upon receipt of an acceptable proof or extension, the permit can be reinstated with an advance in priority for every day the action document is late.

After the sixty day period, the Idaho Code provides a more complex reinstatement for the reinstatement of a permit under Sec. 42-218a.2.,. This section requires the department to determine from information provided by the permit holder the extent of beneficial use during the "authorized period" (period from permit approval to proof due date) and "reasonable cause for filing a late proof of beneficial use".

The proof of beneficial use form, fee and assignment were not received by the department until December 2, 1988, more than sixty days after the lapse notice mailing date. The only way to reinstate this permit is under the provisions of 42-218a.2., Idaho Code. This more complex reinstatement process moved the file to Jim's area of responsibility. Hence, Jim's letter of August 19, 1988 requesting evidence of the extent of beneficial use and a showing of reasonable cause.

The next step is for the department to conduct a field inspection. We have notified the regional to place this permit on the inventory of pending field inspections.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

JIM JOHNSON
Water Distribution Supervisor

Enclosures

MAILED

NOV 21 1988

RECEIVED

OCT 11 1988



Department of Water Resources
LAVA RANCH PROPERTY OWNERS' ASSOCIATION
P.O. Box 392
Pocatello, Idaho 83204

October 5, 1988

Mr. Jim Johnson, Water Rights Supervisor
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Dear Mr. Johnson:

Perhaps you should speak to Ms. Fleck about this matter before it gets even more screwed up. Yes, Ms. Fleck did send me a letter which I received mid November. But from our telephone conversation, she was fully aware of the reasons for the late proof of beneficial use. What happened to Ms. Fleck? She indicated by phone that I could submit a change in beneficial use to reflect the current and future use of the pond in lieu of documentation of past use. Although the pond will be stocked yearly, cattle are not grazed on Lava Ranch any longer (ended 1982). A review of the history of this situation follows:

1. The pond at Lava Ranch was developed about 1978 on the common area (3000 acres) contiguous to 480 five-acre parcels comprising the development. Springs on the development and winter run off are captured in the pond. Bannock County should have required the developer (Mr. Dennis Bullock) to provide a performance bond to release portions of the acreage to the Lava Ranch Property Owners' Association in proportion to the number of parcels sold. It did not do so. Consequently, title to the common areas was retained by the developer while the property owners paid taxes on the land, clearly a novel condition! The developer was responsible for the paperwork that was submitted to the Department of Water Resources until the fall of 1987. He did not understand how to provide proof of beneficial use. In reality, the pond is far more important to the ungulate and water fowl populations at Lava Ranch than it is to fish culture. Lava Ranch is a wildlife protected area. In Ms. Fleck's opinion, offered during our November 10 telephone conversation, we needed to reflect this aspect of use.

NOV 21 1988

2. Mr. Bullock submitted a Request for Extension of Time that was received by your office on October 19, 1987 accompanied by a check provided by the Association, an Idaho non-profit corporation that oversees maintenance of roads and facilities at Lava Ranch. That request stated that a transfer of deed to the common area that contained the pond was in progress. On October 20, Ms. Fleck requested further information on how the transfer had caused a delay in the development of the water right, and she extended the deadline to November 15. Mr. Bullock subsequently turned the correspondence over to me as treasurer of the Association for answer. The development of the water right was not an issue. It had been stocked yearly since construction. At issue was who should hold the permit and what use should be reflected on the permit. The Association had been responsible for part of the annual stocking from 1985 forward and had constructed a weir system for water monitoring in 1987.

3. I called Mrs. Fleck to clarify the situation and to determine what was needed on November 10. She indicated that a notarized Assignment of Permit was required from the developer and that a statement of change in beneficial use would also be required. Because the date was then November 10, I indicated the impossibility of receiving and returning documentation by November 15. She responded that she was not concerned about meeting the deadline but rather to speed the paperwork as rapidly as possible. I received her letter, which does not state these facts, about November 14 and forwarded the forms to Mr. Bullock in Utah. Mr. Bullock signed and returned the assignment on November 23. I prepared a certified statement of projected long-term use along with "proof of professional status" as evidence that I was qualified to make such a determination on November 26 and mailed the application with a cover letter of explanation. According to your letter, you received this information on December 2, 1988.

4. On January 5, 1988 we received a letter concerning the 1986 Dam and Reservoir Certificate of Approval. By this date, Lava Ranch was under 5 to 15 feet of snow (the county road to the development is closed in winter). The required work was completed this past summer and I understand that inspection has been requested.

5. On March 10, I provided your office with a written request for information on the status of our permit. NO ANSWER WAS RECEIVED.

6. I called your offices in April and was told that the status would be checked and that since I would be in Boise in May, I could schedule an appointment. Otherwise we would be sent correspondence. I was unable to visit your offices and we received no further correspondence.

RECEIVED

NOV 21 1988

7. On August 11, I again wrote your offices to which you replied that you need a statement of why beneficial use was not submitted in a timely manner! Perhaps the real question is why your offices have not completed the paperwork, THAT ALREADY CONTAINED THE INFORMATION YOU NEEDED, in a timely manner.

As I see it Jim, we should not loose any priority and I am beginning to wonder about why there is any question about our proof of beneficial use. It seems to me that something went very wrong with a normal application process and that the "something" centers around the move made by your offices at the end of last year. At any rate, this letter should provide enough detail for you to order the letters in our file and complete the application process. If not, perhaps it would be best to call me directly so that the application process can be completed. A list of telephone numbers is provided below.

Sincerely,

Barry L. Keller, Ph.D.

home: 237-2287
Dept. Biol. Sci: 236-3765
office: 236-2791

Professor, Wildlife Ecology and
Treasurer, Lava Ranch Property
Owners' Association

RECEIVED

NOV 21 1988



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

August 19, 1988

RE: Lapsed Permit No. 29-7459

Barry L. Keller, Treas.
Lava Ranch Property Owners Assn.
Box 392
Pocatello, ID 83204

Dear Mr. Keller:

We have received your correspondence of August 11 to Rita Fleck, in which you expressed concern regarding the status of the above referenced permit.

Your check for the proof of beneficial use fee was receipted and cashed as you stated. However, the proof of beneficial use statement was received after the permit had lapsed. Since this is the case, the water right now needs to be considered for reinstatement. Mrs. Fleck stated in her November 10, 1987 letter to you that the amount of priority lost by this permit and the means of reinstatement would depend upon the date of submittal of the beneficial use statement. The form was received after the normal 60 day grace period past lapsing of the right and therefore, cannot automatically be reinstated with the priority advanced the number of days the form was late. Instead, this right falls under the reinstatement process of Section 42-218a which requires additional documentation and advancement of the priority date to the date proof of beneficial use was submitted, in this case December 2, 1987.

We have a copy of the dam inspection conducted by our department personnel and this may be sufficient evidence to show that water was in fact stored and used for fish propagation and stockwater purposes during the permit period.

Besides the evidence of use, Idaho Code requires reasonable cause as to why the proof of beneficial use was not submitted in a timely manner is also required to be given before reinstatement can occur. Therefore, before we can proceed with reinstatement review, you need to supply us with a written

1988

Page 2

statement as to why the proof of beneficial use was not received on or before the proof due date of September 1, 1987. Also to substantiate the use of water, please state for us the date that construction of your storage facility was completed and commencement of the beneficial use of water began.

As you stated in your letter, you had indicated to department personnel that you would probably make a visit to our office in May and the reinstatement requirements could have been discussed and satisfied at that time. We apologize for the delay in giving you written information since you were unable to visit our office personally. However, the work load of our staff has drastically increased this irrigation season due to the drought conditions being experienced and has subsequently increased our response time.

As soon as we have received the written documentation stated above, we can proceed towards reinstatement of this right. Please feel free to contact us if you have any questions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

MICROFILMED

NOV 21 1988



Idaho State University
Pocatello, Idaho
83209-0009

RECEIVED
AUG 12 1988

Department of Water Resources

Department of Biological Sciences
Campus Box 8007
(208) 236-3765

August 11, 1988

Ms. Rita I. Fleck
Department of Water Resources
State Office, 450 W. State Street
Boise, Idaho 83720

Dear Ms. Fleck:

O.K. I give up. What happened to the Lava Ranch Permit No. 29-7459? Our check was cashed in November 1987 and I submitted all of the paper work that you requested. According to my notes from our telephone conversation in early November, you indicated that if we completed the paper work immediately that we would not lose any priority.

A subsequent call to your offices was made and I indicated that I might be able to stop at your offices in Boise in May, but that if I did not make it, any further letters or forms should be sent to our address in Pocatello. Do you folks ever complete a task?

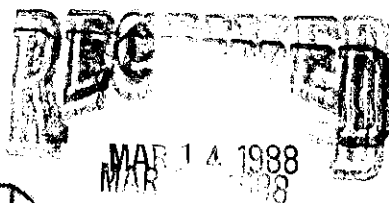
If we have not received our Permit in 30 days, I intend to contact the governors office through a letter from our attorney, Kirk Bybee. Am I now coming through loud and clear?

Sincerely,

Barry L. Keller, Treasurer
Lava Ranch Property Owners' Assoc.
P.O. Box 392
Pocatello, Idaho 83204

RECEIVED

NOV 21 1988



Department of Water Resources
LAVA RANCH PROPERTY OWNERS' ASSOCIATION

P.O. Box 392
Pocatello, Idaho 83204

March 10, 1988

Ms. Rita I. Fleck
Department of Water Resources
State Office, 450 West State Street
Boise, Idaho 83720

Dear Ms. Fleck:

In November 1987, the LRPDA requested a change of assignment in permit 29-7459. To date, we have not received correspondence concerning your action on this request. We would appreciate notification as the the outcome at the above address.

Sincerely,

Barry L. Keller, Treasurer

NOTES:

Permit is for storage - INSPECTION OF DAM
REPORT IN THE FILE ^{CONFIRMS} storage Developed
May

1. Request Date of construction
2. Reason why proof was not submitted.

Jim
4-14-88

RECEIVED

NOV 21 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 18 1986

RECORD OF INSPECTION OF DAM

Name of dam: LAVA RANCH DAM Stream: DEER CREEK Department of Water Resources
☐ Offstream

Name of owner: LAVA RANCH PARTNERSHIP Location: SEC 7, T. 10 S, R. 3 E

Individuals accompanying inspector: _____

Reservoir characteristics: Dam height 17' Surface area 10Ac Storage capacity 15AF

Hazard class: Low Photographs: Yes CR&S, SPILLWAY

CONDITION OF EMBANKMENT OR STRUCTURE: Good

Type: ☒ Earth ☐ Rockfill ☐ Conc. arch ☐ Conc. gravity ☐ Timber crib ☐ Other _____

	UPSTREAM SLOPE	CREST	DOWNSTREAM SLOPE	TOE AREA
Surface cover material	ROCK RIP RAP	—	NONE	—
Growth	NEW WILLOWS	NONE	SPR.	—
Settlement or cracks	—	NONE	—	—
Surface erosion	—	NONE	—	—
Debris	—	NONE	—	—
Animal burrows	—	NONE	—	—
Crest width and slope measurements	2:1	21	2:1	—

CONDITION OF OUTLET WORKS: Good

Location: ☐ Left side ☐ Center ☐ Right side ☐ Other _____

Description and condition: LOCKED WHEEL ON STEM. STEM IS VERTICAL
STEM IS ACCESSED BY CATTALUE

Gate hoist: ☒ Manual ☐ Electric ☐ Other _____

Stem: ☐ Inclined from entrance to crest ☒ Vertical on tower at entrance
☐ Vertical through dam from crest ☐ Downstream valve

Entrance: SUBMERGED Outlet: 24" C.M.P.

CONDITION OF SPILLWAY: Good

Location: ☐ Left abutment ☒ Right abutment ☐ Away from dam ☐ Other _____

Base width 10' Freeboard at crest 25' Sideslope — Channel slope _____ Fetch _____

Overflow channel: ☐ Well defined ☐ Flow directed away from toe ☐ Flow could reach toe

Erosion control present: ROCK CHANNEL Erosion present: NONE

Maintenance condition: Debris FLOATING LOGS AND FISH SCREEN Growth NONE

SEEPAGE:

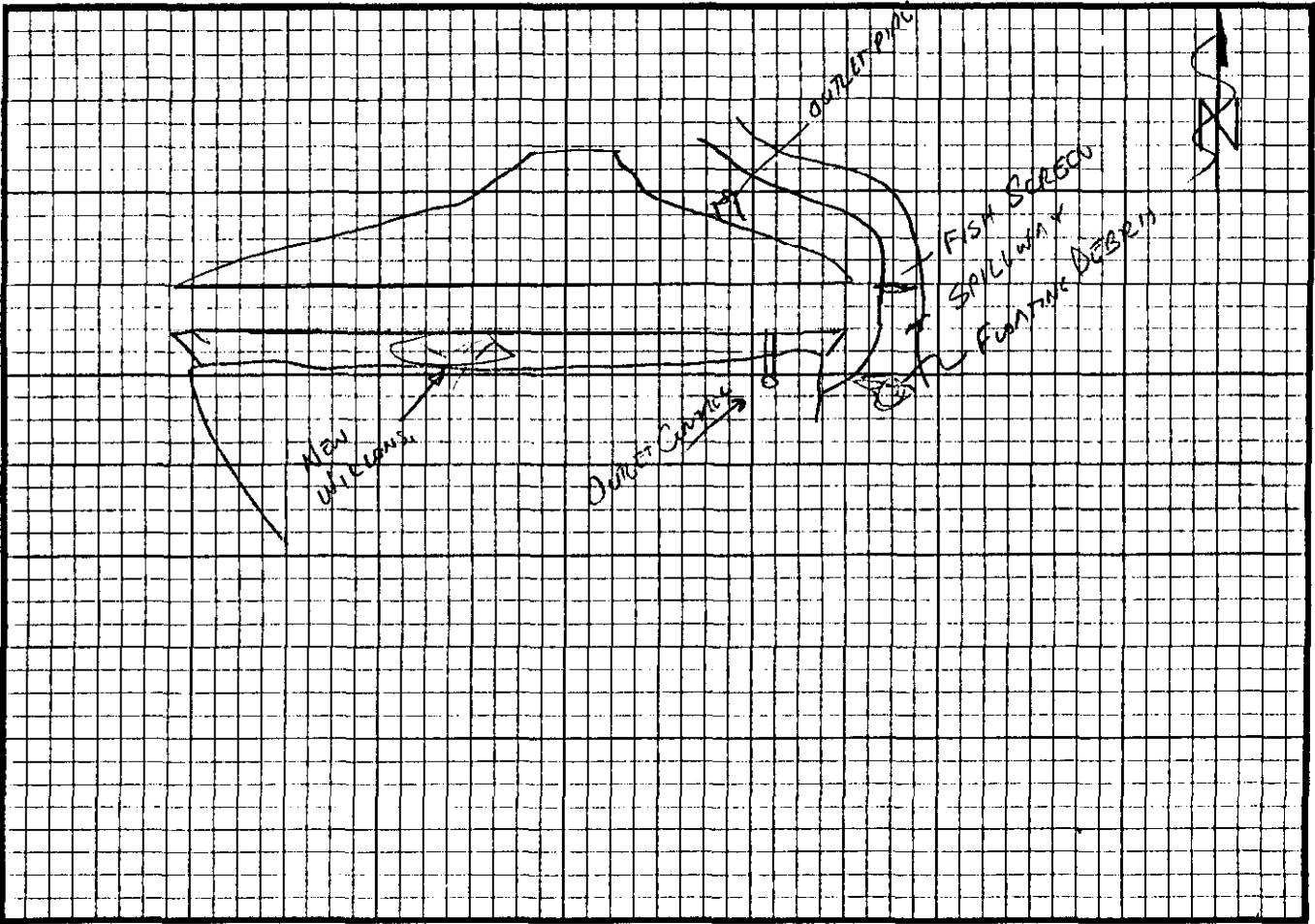
Reservoir level during inspection: 2' B.S.C. NOV 21 1988

	TOE AREA	DOWNSTREAM SLOPE	ABUTMENTS	OTHER
Piping of material evident (Est. G.P.M.)	—	—	—	—
Flowing water (Est. G.P.M.)	NO	1	1	—
Marshy or standing water	1	NONE	NONE	—
Damp	—	1	1	—
Evident from growth present	YES	—	—	—

GENERAL CONDITION AND DESCRIPTION OF DAM: Good

INSTRUMENTATION READINGS (Piezometer, Seepage measurement, Alignment, Elevation, etc.)

SKETCH OF DAM SHOWING LOCATION OF SPILLWAY AND OUTLET WORKS AND ANY MAINTENANCE PROBLEMS:



RECOMMENDATIONS: Issue Certificate for 24

- 1 - Remove Fish Screen during runoff period
- 2 - Remove Floating Debris in spillway channel
- 3 - Continue Bank (down) Control

Date: JUNE 10, 1986

Inspected by: STEVE McCANN NOV 21 1988



Idaho State University
Pocatello, Idaho
83209-0009

RECEIVED
DEC 02 1987

Department of Water Resources

Department of Biological Sciences
Campus Box 8007
(208) 236-3765

SUBJECT: Change of address *(during sabbatical leave)*
INTERVAL: October 19, 1987 to May 1, 1988.

PROFESSIONAL ADDRESS:

Barry L. Keller
Utah Museum of Natural History
University of Utah
Salt Lake City, Utah 84112
phone 801-581-6927

HOME ADDRESS:

123 "J" Street
Salt Lake City, Utah 84103
phone 801-359-3220

Please leave a message on my home telephone recorder or with the secretary
at the museum if you have difficulty reaching me.

Thanks

A large, stylized handwritten signature of Barry L. Keller, written in dark ink, slanted upwards from left to right.

RECEIVED

NOV 21 1988



Idaho State University
Pocatello, Idaho
83209

RECEIVED
DEC 02 1987

Department of Water Resources

Idaho Museum of Natural History
Box 8096

Ms. Rita I Fleck
Department of Water Resources
State Office, 450 W. State Street
Boise, Idaho 83720

Dear Ms. Fleck:

Enclosed, please find an Assignment of Permit and a Proof of Beneficial Use to be assigned to the Lava Ranch Property Owners' Association pursuant to our telephone conversation in early November.

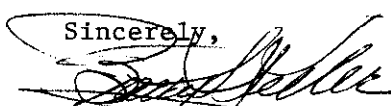
Under my signature, this letter certifies:

1. I am employed by the State of Idaho (Idaho State University) where I teach Population Ecology, Mammalogy, and Biometry to students majoring in wildlife biology or related fields;
2. That I hold the status of a Certified Wildlife Biologist in recognition of fulfillment of all the professional requirements of the Wildlife Society (copy of status attached);
3. That I am appointed as Curator of Mammals to the Idaho Museum of Natural History and that I serve on the State Nongame Committee for the Idaho Department of Fish and Game;
4. That I hold a Ph.D. degree in a specific field of Wildlife Management.

In my opinion, I am qualified to present a professional opinion as to the importance of beneficial use of the water right to wildlife at the Lava Ranch properties.

Because Lava Ranch is neither grazed nor hunted, 2,968.4 acres of Idaho land serve as a major reserve for wildlife. A large portion of this area is in native timber in mature condition. The quantity of wildlife requiring water is the largest I have observed in any area of Idaho. I have observed both large game, including moose, and waterfowl at the riparian edge of the ponded area. Both groups would be excluded from the area if the surface water conditions were altered. The area, thus, constitutes an important wildlife resource that should be protected; adequate management of the area is assured as the Lava Ranch Property Owners' Association is an established Idaho non-profit Corporation charged with the permanent maintenance of the Common Areas of Lava Ranch.

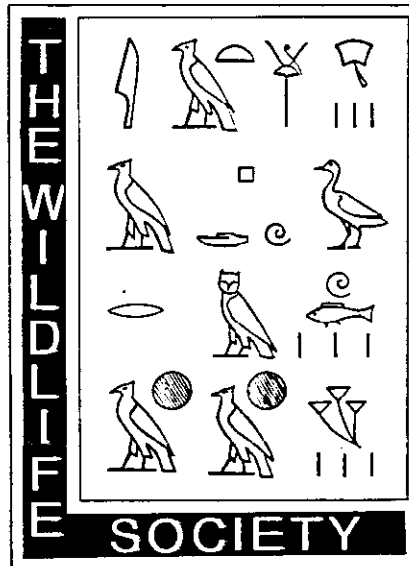
Sincerely,


Barry L. Keller, Ph.D.

Professor, Wildlife Ecology

MICROFILMED

NOV 21 1988



The Wildlife Society

INCORPORATED IN WASHINGTON, D.C.

grants the designation

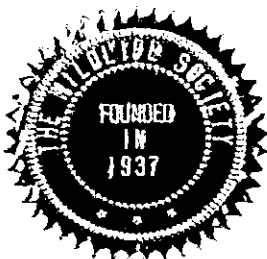
Certified Wildlife Biologist

to

Barry Lee Keller

*in recognition of fulfillment of all the professional requirements approved by
The Wildlife Society and verified by the Society's Certification Review
Board this 12th day of February, 1988*

RECORDED



Lawrence R. Jahn NOV 21 1988
President, The Wildlife Society

James E. Gribben
Chairman, Certification Review Board

Richard W. Harnsey
Executive Director, The Wildlife Society

November 10, 1987

Dr. Barry Keller
456 Fairway Dr.
Pocatello, ID 83221

Dear Dr. Keller:

RE: Permit No. 29-7459

Pursuant to your telephone call today, here is the information needed to have this permit reinstated and returned to good standing.

First, enclosed is a partially completed assignment form. It must be signed by a representative from Lava Ranch Partnership and notarized. Upon receipt of this form, the department can convey the ownership of the permit to your association.

Second and most important, is the proof of beneficial use form. Submittal of this form is the key form to stopping the permit from losing any more priority and having the permit reinstated. If the assignment can be readily secured, then you can complete and return the proof of beneficial use form with the assignment form. If an assignment is not readily secured, encourage Lava Ranch Partnership to complete the proof form immediately. (Note that a fee will be required based upon the rate of diversion of water).

Depending on when the proof of beneficial use form is received and if it is acceptable, will determine how the permit is reinstated and the amount of priority lost. It is very important to return this form as soon as possible.

Third, eventually an application for amendment of this permit will be needed to change the uses from fish propagation and stockwatering to possibly, storage for wildlife and wildlife watering. However, after discussing this step with other department staff, I have decided to let this wait until after a field inspection has been conducted. The submittal of the amendment will then be part of the licensing process and I believe a better time at which to make updates to the permit.

I also checked with the Dam Safety Section of the department to determine the status of the dam certificate. According to our inventory, the

NOV 21 1988

Dr. Barry Keller

-2-

November 10, 1987

dam is presently in good shape. The renewal of the Dam Safety Certificate will become due again in November of 1988.

Again, I stress the importance of submitting the proof of beneficial use form as soon as possible.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

RECEIVED
NOV 21 1988

October 20, 1987

Lava Ranch Partnership
P. O. Box 365
Lava Hot Springs, ID 83246

Gentlemen:

Re: Permit No. 29-7459

Returned is the Request for Extension of Time form and your check No. 376 (92-6/1241) in the amount of \$15 submitted to this office on October 19, 1987.

Please describe what constructive work has taken place, if any, toward the development of the fish propagation facilities and stockwatering use. Also, describe how the transfer of the common area property has caused delay in the development of this water right.

Secondly, please sign the extension request next to the red "X" and return both request and check before November 15 to have the permit reinstated.

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

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

c: Accounting

MAILED

NOV 21 1988

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.

September 17, 1987

LAVA RANCH PARTNERSHIP
P.O. BOX 365
LAVA HOT SPRINGS, ID 83246

LAPSE NOTICE

RE: Permit No. 29-7459

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 June 30, 1987.

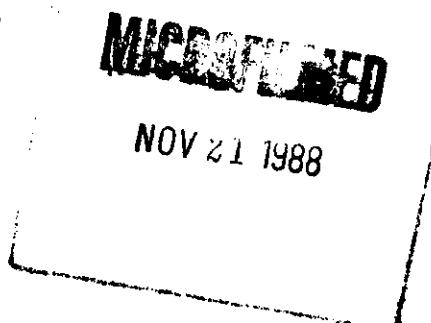
Your permit cannot be reinstated unless you submit proof of beneficial use or submit an extension of time request showing reasonable cause for delay. Either the completed proof of beneficial use submittal (including the examination fee or a completed field examination report) or the extension request 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



OFFICIAL COPY
9-18-1987
Bita Fleck

138683

CERTIFIED MAIL
June 30, 1987

LAVA RANCH PARTNERSHIP
P.O. BOX 365
LAVA HOT SPRINGS, ID 83246

PROOF DUE NOTICE

RE: Permit No. 29-7459

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 September 1, 1987. (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

RECEIVED

NOV 21 1988



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

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MISSO FILMED

NOV 21 1988

WATER RIGHT NUMBER 29-7459

VERIFIED RIF

OWNER LAST NAME - LAVA RANCH PARTNERSHIP FIRST NAME - ORIG OWNER -
ADDRESS LINE 1 - P.O. BOX 365 ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - LAVA HOT SPRINGS STATE - ID ZIP CODE - 83246
SOURCE - DEER CREEK TRIBUTARY OF - PORTNEUF RIVER
STAGE - PERMIT STATUS - PRIORITY - 09-01-1978 COUNTY - BANNOCK TOTAL DIV. RATE - .0700 -CFS
TOTAL DIV. VOLUME - 11.00 AFA TRFR/AMEND - WATER DIST. - 29 DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SWSE 07 10S 38E LOT REDIV - 272.0 452.0 41.0 3.0 0.0 0.0 0.0 0.0 0.0 0.0 1.8
FROM - 01-01 TO - 12-31 USE - STOCKWATER USE DIV. RATE - .0700 CFS USE DIV. VOLUME - .00 AFA
FROM - 01-01 TO - 12-31 USE - FISH PROP. STORAGE USE DIV. RATE - .0000 CFS USE DIV. VOLUME - 11.00 AFA
USE - STOCKWATER PLACE OF USE - TWN 10S RNG 38E SEC 07 TRACT SWSE LOT AC
DECREE NAME - DATE - TOTAL ACRES 0
REMARKS - A MEASURING DEVICE OF A TYPE APPROVED BY THE DEPT. OF WATER
RESOURCES SHALL BE INSTALLED IN A MANNER SO THAT THE RELEASES
FROM STORAGE CAN BE COMPARED TO THE INFLOW TO THE RESERVOIR.
NON IRRIG USE - S/300 RANGE.
OTHER RIGHTS FOR SAME USE -
PROOF DUE - 09-01-1987 PERMIT/DENIED - 10-28-1982 PROTESTED - 10-02-1978 HEARING - 11-14-1978 OLD NO. -
PROOF MADE - FLD EXAM - COND. OF APPROVAL - 16 05 18 26
DIVERSION MEANS - GATE VALVE & PIPE.

October 28, 1982

Lava Ranch Partnership
P. O. Box 365
Lava Hot Springs, ID 83246

Gentlemen:

Re: Application for Permit No. 29-7459

Enclosed is a copy of the Order Adopting Proposed Memorandum Decision and Order together with a copy the Proposed Memorandum Decision and Order and a copy of the application.

Be sure to note the special condition requiring you to install and maintain a measuring device so that the releases from storage can be compared to the inflow to the reservoir.

Any person who does not agree with the decision of the department may request a rehearing before the Director within twenty (20) days, or may appeal directly to the district court within thirty (30) days of the date the decision is mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

cc: Topaz Irrigation Co.
Lava Irrigation Co.
Kathryn A. Fagnant
Arlin G. Olson
David C. Miller, M.D.
Calvin A. Rowsell
Leland and Maxine Avery
Nathan N. Casperson



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 13, 1982

Lava Ranch Partnership
P.O. Box 365
Lava Hot Springs, ID 83246

Enclosed is a corrected copy of the Proposed Memorandum Decision and Order, together with the Order Issuing Proposed Decision on application for Permit No. 29-7459 in the name of Lava Ranch Partnership.

The copy of the proposed decision dated July 21, 1982, unfortunately, contained errors caused by the printing equipment.

This corrected proposed decision is sent to you as a replacement and is subject to the same appeal periods as the July 21 decision.

Also enclosed is a copy of the Certificate of Mailing dated August 13, 1982.

We hope this error has not inconvenienced you in any way.

Sincerely,

David R. Tutthill

for BOBBY D. FLEENOR
Chief, Regional Office Bureau

Enclosures 3
cc: to each protestant

BDF:gm

August 13, 1982

Lava Ranch Partnership
P.O. Box 365
Lava Hot Springs, ID 83246

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Sincerely,

BOBBY D. FLEENOR
Chief, Regional Office Bureau

Enclosures
cc: to each protestant

BDF:gm

RECEIVED

APR 29 1982

Department of Water Resources

Dear Mr Tutill

I went to one of these meetings and was out of town but I agree with Mr Nathan Casperson decision and others on the paper

Thanks

Vance Casperson

Refers to Application for permit
WO 29-7459

DER

No response Reg'd
5-6-82

Vance Caspersen
Lava Hot Springs
Box 351 Idaho
83246



Department of Water Resources
Statehouse
Boise, Idaho

83720

Attention: David R Tutthill Jr.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 29-7459 IN THE NAME OF
LAVA RANCH PARTNERSHIP

)
)
)
)
)

ORDER TO SHOW CAUSE

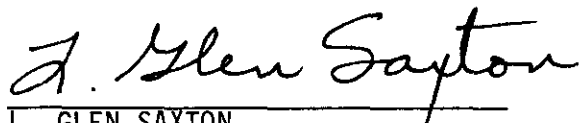
On September 1, 1978, Lava Ranch Partnership filed Application for Permit No. 29-7459 to appropriate 11 acre-feet per annum of water from Deer Creek tributary to Portneuf River within the SW1/4SE1/4, Section 7, Township 10 South, Range 38 East, B.M., Bannock County. Notice of this proposed appropriation was published in the Idaho State Journal, Pocatello, Idaho, on September 14 and 21, 1978; and,

WHEREAS, the Department received protests against approval of said application from Nathan N. Casperson, Calvin A. Rowsell, Kenneth Andrus, Lava Hot Springs Ward Welfare Farm, Vance Casperson, Mr. and Mrs. Jess Wilson, David C. Miller, Kathryn A. Fagnant, Arlin G. Olson, Golden Avery, Jolene Johnson, President, Lava Irrigation Company, Leland and Maxine Avery, Gene Fagnant, Dean Day, Albert E. Roberts, Lynn Bowman of Topaz Irrigation Company, and D. Neil Hill; and,

WHEREAS, a hearing in this matter was conducted on Tuesday, November 14, 1978, at 11:00 a.m. in the conference room of the Pocatello Municipal Airport, Pocatello, Idaho, at which time the protestant, Vance Casperson, failed to appear;

IT IS, THEREFORE, HEREBY ORDERED that the protestant show cause on or before May 20, 1982, why his protest should not be set aside for failure to appear at the hearing.

Dated this 22nd day of April, 1982.


L. GLEN SAXTON
Chief, Operations Bureau



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

April 22, 1982

Certified Mail # 32878

RE: Application for Permit No. 29-7459 - LAVA RANCH PARTNERSHIP

Vance Casperson
Lava Hot Springs,
Idaho 83246

Dear Mr. Casperson:

Please find an Order to Show Cause why your protest against the above referenced application for permit should not be set aside.

Note that any information in response to this Order must be submitted by May 20, 1982. Please contact this office if you have further questions.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

cc: Eastern Region

INTER-DEPARTMENT MEMO — 1

DATE February 16, 1982

FROM Ernie

TO File

SUBJECT

Protests by D. Neil Hill & Bishop Kenneth Andrus: No reply was received from the above protestants in response to the Department's show casue order send by certified mail 1-25-82. I, therefore, recommend an order setting aside their protests be issued in conjunction with the Proposed Memorandum Decision and Order.

SIGNATURE

3/79

IDENT. NO. _____

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

WATER RIGHT
DATA ENTRY LOG

[illegible]

29-7459

PS Form 3811, Jan. 1978

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
Show to whom and date delivered.....
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.\$____
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Vance Casperson
Lava Hot Springs, ID 83246

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
32878
(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
4. DATE OF DELIVERY
4-23-82
5. ADDRESS (Complete only if requested)
6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS
★GPO : 1979-288-948

29-7459

PS Form 3811, Jan. 1978

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
Show to whom and date delivered.....
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.\$____
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Kenneth Andrew Bishop
Lava Hot Spg. Ward Wldg
Id. 83246

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
12878
(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
4. DATE OF DELIVERY
2-26-82
5. ADDRESS (Complete only if requested)
6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS
★GPO : 1979-288-948

29-7459

PS Form 3811, Jan. 1978

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☐ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
Show to whom and date delivered.....
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.\$____
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
H. Neil Hill
Box 6
Lava Hot Springs, ID

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
12877
(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
4. DATE OF DELIVERY
1-26-82
5. ADDRESS (Complete only if requested)
6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS
★GPO : 1979-288-948

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
• Complete items 1, 2, and 3 on the reverse.
• Attach to front of article if space permits, otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

RECEIVED
JAN 27 1982

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401
(Name of Sender)

Department of Water Resources
Eastern District Office

(Street or P.O. Box)

(City, State, and ZIP Code)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
• Complete items 1, 2, and 3 on the reverse.
• Attach to front of article if space permits, otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

RETURN TO
Department of Water Resources
Eastern District Office

JAN 27 1982

(Street or P.O. Box)

(City, State, and ZIP Code)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
• Complete items 1, 2, and 3 on the reverse.
• Attach to front of article if space permits, otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

RETURN TO
Department of Water Resources
Statehouse

JAN 28 1982

BOISE, IDAHO 83720

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.
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PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

RETURN TO
Department of Water Resources
Eastern District Office

JAN 27 1982

(Street or P.O. Box)

(City, State, and ZIP Code)

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

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 29-7459 IN THE NAME OF LAVA RANCH)
PARTNERSHIP)

SHOW CAUSE ORDER

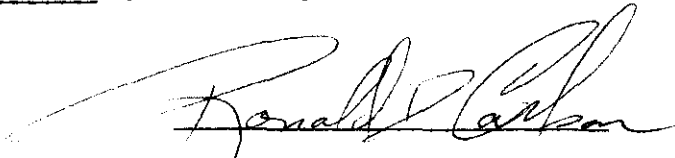
On September 1, 1978, Lava Ranch Partnership filed application for permit No. 29-7459 to appropriate 11 acre-feet per annum of water from Deer Creek tributary to Portneuf River within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, Township 10 South, Range 38 East, B.M., Bannock County. Notice of this proposed appropriation was published in the Idaho State Journal, Pocatello, Idaho, on September 14 and 21, 1978.

WHEREAS, the Department received protests against approval of said application from Nathan N. Casperson, Calvin A. Rowse, Kenneth Andrus, Lava Hot Springs Ward Welfare Farm, Vance Casperson, Mrs. & Mrs. Jesse Wilson, David C. Miller, Kathryn A. Fagnant, Arlia G. Olson, Golden Avery, Lava Irrigation Company, Leland and Maxine Avery, Gene Fagnant, Dean Day, Topaz Irrigation Company, and D. Neil Hill.

~~WHEREAS~~ A hearing in this matter was conducted on Tuesday, November 14, 1978, at 11:00 a.m. in the conference room of the Pocatello Municipal Airport, Pocatello, Idaho, at which time the protestants, D. Neil Hill and Bishop Kenneth Andrus, Lava Hot Springs Ward Welfare Farm, failed to appear.

IT IS, THEREFORE, HEREBY ORDERED that the protestants show cause on or before February 15, 1982, why their protest should not be set aside for failure to appear at the hearing.

Dated this 25th day of January, 1982.


RONALD D. CARLSON

Supervisor, Eastern Region

Lava Ranch Partnership

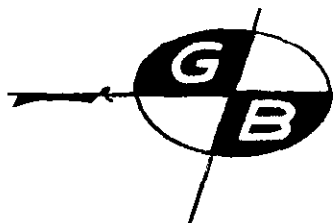
P.O. Box 365

Lava Hot Springs, ID 83246

PROTESTS FILED BY:

10/2	Nathan N. Casperson		Lava Hot Springs, ID 83246
10/2	Calvin A. Rowsell	Box 183	Lava Hot Springs, ID 83246
10/2	Kenneth Andrus, Bishop		
	Lava Hot Springs Ward Welfare Farm	Route 1	Lava Hot Springs, ID 83246
10/2	Vance Casperson		Lava Hot Springs, ID 83246
10/2	Mr. & Mrs. Jesse Wilson	Box 96	Lava Hot Springs, ID 83246
10/2	David C. Miller, M.D.	1448 E. Center, P.O. Box 4904, Pocatello	83201
10/2	Kathryn A. Fagnant & Arlin G. Olson	P. O. Box 644	Lava Hot Springs, ID 83246
10/2	Golden Avery, Pres. & Jolene Johnson,		
	Secv. - Lava Irrigation Company		Lava Hot Springs, ID 83246
10/2	Leland & Maxine Avery		
	Topaz Irrigation Company - Gene	P.O. Box 293	Lava Hot Springs, ID 83246
10/2	Fagnant, Dean Day, Albert E. Roberts,		
10/2	Lynn Bowman		
10/3	Received after protest date:		
	D. Neil Hill	Box 6	Lava Hot Springs, ID 83246

Thomas Bloxham, Watermaster
Water District # 29
Downey, Idaho 83234



GREAT BASIN ENGINEERING, INC.

Consulting Engineers and Land Surveyors

3505 Grant Avenue • P. O. Box 9307

Ogden, Utah (801) 394 - 4515

September 3, 1980

Mr. Ronald D. Carlson
Supervisor, Eastern Region
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Gentlemen:

RE: LAVA RANCH PARTNERSHIP
Application No. 29-7459

In the fall of 1978 we attended a hearing in Pocatello, Idaho in regard to the above referenced water application. We have not heard any decision as to the results of the hearing or the issuance of the permit to appropriate the Public Waters of the State of Idaho.

We would appreciate your response as to the status of the above mentioned permit at your earliest convenience.

Thank you.

Sincerely,

GREAT BASIN ENGINEERING, INC.

John A. Bradshaw

John A. Bradshaw
Registered Professional Engineer
Utah No. 3564

JAB/ss

cc: Dennis Bullock

RECEIVED

SEP 8 1980

Department of Water Resources
Eastern District Office

RETURNED RECEIPTS

29-7459 - LAVA RANCH

PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
☒ Show to whom and date delivered..... 45 ¢
☐ Show to whom, date, and address of delivery..... ¢
☐ RESTRICTED DELIVERY
 Show to whom and date delivered..... ¢
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$_____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: (29-7459)
 Leland & Maxine Avery
 Lava Hot Springs,
 ID 83246

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1154

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆GPO: 1977-0-249-595

PS Form 3811, Apr. 1977
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☐ RESTRICTED DELIVERY
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☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$_____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: (29-7459)
 David C. Miller, M.D.
 1448 E. Center
 Pocatello, ID 83201

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1153

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

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☐ RESTRICTED DELIVERY
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☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$_____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: (29-7459)
 Lava Ranch Partnership
 P. O. Box 365
 Lava Hot Springs, ID 83246

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1159

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆GPO: 1977-0-249-595

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☐ RESTRICTED DELIVERY
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 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: (29-7459)
 Vance Casperson
 Lava Hot Springs,
 ID 83246

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1156

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

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☐ RESTRICTED DELIVERY
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☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$_____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: (29-7459)
 Lava Irrigation Company
 Lava Hot Springs,
 ID 83246

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1148

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

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☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$_____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: (29-7459)
 Nathan N. Casperson
 Lava Hot Springs
 ID 83246

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1155

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆GPO: 1977-0-249-595

RETURNED RECEIPTS

29-7459 - LAVA RANCH

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP CODE in the space below.
• Complete items 1, 2, and 3 on the reverse.
• Moistened gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401
(Street or P.O. Box)

NOV 14 1978

Department of Water Resources
Eastern District Office

(City, State, and ZIP Code)

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Eastern District Office

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(Street or P.O. Box)

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Eastern District Office

(City, State, and ZIP Code)

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DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401
(Street or P.O. Box)

NOV 9 1978

Department of Water Resources
Eastern District Office

(City, State, and ZIP Code)

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PENALTY FOR PRIVATE
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RETURNED RECEIPTS

29-7459 - LAVA RANCH

PS Form 3811, Apr. 1977
RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
☒ Show to whom and date delivered. 45¢
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☐ RESTRICTED DELIVERY Show to whom and date delivered. ¢
☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: (29-7459)
 Kathryn A. Fagnant & Arlin G. Olson
 P. O. Box 644
 Lava Hot Springs, ID 83246

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1150

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 4. *R. Olson*

DATE OF DELIVERY 11-06-78 - POSTMARK NOV 6 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-249-595

PS Form 3811, Apr. 1977
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☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: (29-7459)
 Mr. & Mrs. Jesse Wilson
 Box 96
 Lava Hot Springs, ID 83246

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1157

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 4. *Jesse Wilson*

DATE OF DELIVERY 11-06-78 - POSTMARK NOV 6 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-249-595

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☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: (29-7459)
 Calvin A. Rowse
 Box 183
 Lava Hot Springs, ID 83246

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1152

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 4. *Calvin A. Rowse*

DATE OF DELIVERY 11-06-78 - POSTMARK NOV 6 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-249-595

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☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: (29-7459)
 Kenneth Andrus, Bishop
 Ward Welfare Farm
 Rt. #1, Lava Hot Springs, ID 83246

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1151

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 4. *Kenneth Andrus*

DATE OF DELIVERY 11-06-78 - POSTMARK NOV 6 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-249-595

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☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: (29-7459)
 D. Neil Hill
 Box 6
 Lava Hot Springs, ID 83246

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1158

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 4. *D. Neil Hill*

DATE OF DELIVERY 11-06-78 - POSTMARK NOV 6 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

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☆GPO: 1977-0-249-595

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☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: (29-7459)
 Topaz Irrigation Company
 P. O. Box 293
 Lava Hot Springs, ID 83246

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 1149

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
 4. *Topaz Irrigation Company*

DATE OF DELIVERY 11-06-78 - POSTMARK NOV 6 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977-0-249-595

RETURNED RECEIPTS

29-7459 - LAVA RANCH



PENALTY FOR PRIVATE
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OF POSTAGE, \$300

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP CODE in the space below.
• Complete items 1, 2, and 3 on the reverse.
• Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
• Endorse article "Return Receipt Requested" adjacent to number.

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TO

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DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

(Street or P.O. Box)

NOV 7 1978

Depar.

Eastern District Office

(City, State, and ZIP Code)



PENALTY FOR PRIVATE
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UNITED STATES POSTAL SERVICE
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DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

(Street or P.O. Box)

NOV 7 1978

Department of Water Resources

Eastern District Office

(City, State, and ZIP Code)



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

(Street or P.O. Box)

NOV 7 1978

(City, State, and ZIP Code)



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300

DEC 11 1978

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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RETURN
TO

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

(Street or P.O. Box)

(City, State, and ZIP Code)



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
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UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

(Street or P.O. Box)

NOV 7 1978

Department of Water Resources

Eastern District Office

(City, State, and ZIP Code)



PENALTY FOR PRIVATE
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RETURN
TO

RECEIVED

DEPARTMENT OF WATER RESOURCES

(Name of Sender)
EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

(Street or P.O. Box)

NOV 7 1978

Department of Water Resources

Eastern District Office

(City, State, and ZIP Code)

IN THE MATTER OF
PROTEST AGAINST
APPLICATION FOR PERMIT
NO. 29-7459

Date Nov. 14, 1978

Stipulation & Agreement.

We agree to allow the Department of Water
Resources to reach a decision based on information presented
at the conference, any additional information contained
in files of the Department

Signed at Pocatello, Id. the 14th day of November, 1978.

✓ Gene Faquant
✓ Mrs Arlen Olson
✓ Maxie Avery
✓ Leland Avery
✓ Calvin A. Rowell
✓ Jesse M. Wilson
✓ David C. Maier
✓ Hathorn M. Carpenter
✓ John A. Bradshaw

Java Ranch -
✓ R. Craig Hansen
✓ Dennis A. Bullen

RECEIVED

LAVA RANCH PARTNERSHIP.

29-7459

11/14/79

Small spring feeds reservoir, but is insufficient to maintain water level. Reservoir fills with spring run off and then gradually goes down to due seepage & evaporation.

Stock water would be for stock used to keep grass ~~below~~ trimmed as fire prevention measure.

Dam was no constructed for stock water purposes but as an irrigation diversion, however stock have used reservoir for drinking purposes

Spring flow into reservoir has never been measured.

The 11.0 A.F. per year is the amount that will be consumed by evaporation.

There has been no water released from dam in the past.
The previous dam had no outlet.

Field exam? No.

14.5 A.F. capacity is from top of dam.

8.5 A.F. " " " " " spill-way, which is the top of the old dam.

PERMIT NO. 29-7459 - LAVA RANCH PARTNERSHIP

Conference Room, Pocatello Municipal Airport, Pocatello, Idaho

November 14, 1978 - 11:00 a.m.

Name

Address

Representing

Mrs Arlin Olson	Lava Hot Springs, Id	Kathryn
Gene Yagnant	Lava	Yagnant
Margene Avery	Lava Hot Springs, Id.	Topaz Irrig. Co.
Kelana Avery	" " " "	
Calvin A Russell	Lava Hot Springs	Private water -
Jesse M Wilson	Lava Hot Springs	Lava Irrigation
David C. Miller	Pocatello Idaho	Private water
JOHN A. BRADSHAW	3505 GRANT OGDEN UTAH	Dunsmuir Topog canal Co.
CRAIG HANSEN	21N. 42SE Smithfield, UT.	GREAT BASIN ENG.
Dennis F Bulluck	460 Spring Creek Dr. Providence, Utah	Lava Ranch
Walter C. Ferguson	Lava Hot Springs	Idaho

NOV 15 1978

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

1515 LINCOLN ROAD

IDAHO FALLS, IDAHO 83401

Name and
Address
of Sender

Indicate type of mail:

☐ REGISTERED ☐ REGISTERED
C.O.D. ☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional
copies of this bill.
POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	REST. DEL. FEE	ACTUAL VALUE	REMARKS
1	1138 George C. Peterson, Atty, 185"E", Idaho Falls	15	80	45			32-7096
2	1139 Ben Wilding, Dubois, Id 83423						" "
3	1140 Steve Phillips, D & D Enterprises, Star Rt, Box 15, Dubois						" "
4	1141 John Darlington, 461 4th St, Idaho Falls						" "
5	1142 Howard A. Armstrong, Atty, Box 4153, Porterville						29-7445
6	1143 Vernal Bailey, 101 Lake Road, Porterville						" "
7	1144 Leon Manning, 510 N. 12 Ave, Porterville						" "
8	1145 Royal Cole, Arising, Id 83214						" "
9	1146 Norman Myers, Rio Vista Rd, Porterville						" "
10	1147 J. Z. Atkins, 256 Ralph, Porterville						" "
11	1148 Lava Irrigation Co, Lava Hot Springs, Id						29-7459
12	1149 Topaz Irrigation Co, Box 293, Lava N. S.						" "
13	1150 Kathryn A. Fagant & Arlin G. Olsen, Box 644, Z. N. S.						" "
14	1151 Ken Andrews, Bishop, Ward Welfare Farm, Rt 1, Z. N. S.						" "
15	1152 Calvin A. Russell, Box 183, Lava Hot Springs						" "
16	1153 David C. Miller, 111 D, 1448 E. Center, Porterville						" "
17	1154 Zelandomaxine Avery, Lava Hot Springs						" "
18	1155 Nathan M. Casperson, Lava Hot Springs						" "
19	1156 Vance Casperson, Lava Hot Springs						" "
20	1157 Mr + Mrs. James Wilson Box 96, Lava N. S.						" "

TOTAL NO. OF PIECES
LISTED BY SENDER

20

TOTAL NO. OF
PIECES REC'D AT

20

POSTMASTER, PER INADVERTENTLY RECEIVING EMPLOYEE

Show under Remarks class postage paid if other than first
if international

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

Name and
Address
of Sender

Indicate type of mail:

☐ REGISTERED ☐ REGISTERED
C.O.D.
☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional
copies of this bill.
POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	MENT. DEL. 7%	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1158	J. Neil Hill, Box 6, Lava Hot Springs	15	80	45				29-7459
1159	Lava Ranch Partnership, Box 365, Lava N.S.							" "
1160	John Newport, Arbon, Idaho 83212							29-7447
1161	Zyle A. Elision, Atty, Box 168, American Falls							" "
1162	Bureau of Land Management, Rt 3, Box 1, Burley 83318							" "
1163	Boyd Lewis, 238 Samaria Lane, Maked, 83252							15-7044
1164	William T. Evans, Downey, Id 83234							" "
1165	Guy Curtis, 409 N. Main, Downey, Id 83234							" "
1166	Arlene Treasure, Downey, Id 83234							" "
1167	Dale Wakely, Downey, Id 83234							" "
1168	Kenneth Williams, Downey, Id 83234							" "
1169	William Green, 824 Franklin St, Ogden, Utah							" "
1170	Dale Jones, 1420 East Elm, Pocatello 83201							" "
1171	Dale Jones, 10 S. 3 E., Downey, Id 83234							" "
1172	Dave Treasure, Downey, Id 83234							" "
1173	Zyng M. Davis, Clifton, Id 83228							13-7233
1174	Ronald J. Long, Clifton, Id 83228							" "
1175	Carl Bohm, Clifton, Id 83228							" "
1176	Leonard Povey, Clifton, Id 83228							" "
1177	Carl A. Mortensen, Clifton, Id 83228							" "

TOTAL NO. OF PIECES
LISTED BY SENDER

TOTAL NO. OF
PIECES REC'D AT P.O.

POSTMASTER, PER (Name of receiving employee)

*Show under "Remarks" class postage paid if other than first or
if International

PS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

★ U. S. GOVERNMENT PRINTING OFFICE: 1974-0-522-726

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval }
of Application for Permit No. 29-7459 in }
the Name of LAVA RANCH PARTNERSHIP }

NOTICE OF CONFERENCE
AND/OR HEARING

On September 1, 1978, Lava Ranch Partnership filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On October 2, 1978, the Department received protests against approval of said application from: Nathan N. Casperson; Calvin A. Rowsell; Kenneth Andrus, Bishop - Lava Hot Springs Ward Welfare Farm; Vance Casperson; Mr. and Mrs. Jesse Wilson; David C. Miller, M.D.; Kathryn A. Fagnant; Arlin G. Olson; Golden Avery, President and Jolene Johnson, Secretary of Lava Irrigation Company; Leland and Maxine Avery; Gene Fagnant, Dean Day, Albert E. Roberts and Lynn Bowman of Topaz Irrigation Company. On October 3, 1978, the Department received an additional protest from D. Neil Hill.

The Department has set the matter of protest for conference and/or hearing for Tuesday, November 14, 1978 at 11:00 a.m. in the Conference Room of the Pocatello Municipal Airport, Pocatello, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 31st day of October, 1978.


RONALD D. CARLSON
Supervisor, Eastern Region

October 31, 1978

Merle Wilhelm
Pocatello Airport
P. O. Box 1021
Pocatello, Idaho 83201

Dear Sir:

This is to confirm the use of the airport's conference room for conference and/or hearing to be held by this office on Tuesday, November 14, 1978 at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

October 3, 1978

D. Neil Hill
Box 6
Lava Hot Springs, Idaho 83246

RE: Application for Permit No. 29-7459 - Lava Ranch Partnership

Dear Sir:

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,

Note: Your protest was received after the final protest date of October 2, 1978 and timeliness may be a issue at any hearing and/or conference to be held.

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

September 15, 1978

Mr. Thomas Bloxham, Watermaster
Water District # 29
Downey, Idaho 83234

Dear Mr. Bloxham:

RE: Application for Permit No. 29-7459 - LAVA RANCH

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and, if you have any comments, submit them to our Department as soon as possible. The last date of protest is October 2, 1978, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

Ronald D. Carlson/dh

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh
Enclosure

RECEIVED

OCT 3 1978

Idaho Department of Water Resources
Eastern District Office

Sept 30 1978.

Mr Ronald Carlson

I have looked this application over and talked with water users, on Dempsey Creek that get water from this Deer Creek. They seem to be very concerned about this Deal, and I feel it would be very unfair to them, to favor this application for permit. Thomas Bloxham.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 3, 1978

Kenneth Andrus, Bishop
Lava Hot Springs Ward Welfare Farm
Route 1
Lava Hot Springs, Idaho 83246

RE: Application for Permit No. 29-7459 - Lava Ranch Partnership

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.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 3, 1978

Nathan N. Casperson
Lava Hot Springs
Idaho 83246

RE: Application for Permit No. 29-7459 - Lava Ranch Partnership

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

October 3, 1978

Calvin A. Rowsell
Box 183
Lava Hot Springs, Idaho 83246

Dear Sir:

RE: Application for Permit No. 29-7459

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.

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Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 3, 1978

Vance Casperson
Lava Hot Springs
Idaho 83246

Dear Sir:

RE: Application for Permit No. 29-7459 - Lava Ranch Partnership

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.

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Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 3, 1978

Mr. and Mrs. Jesse Wilson
P. O. Box 96
Lava Hot Springs, Idaho 83246

Dear Mr. and Mrs. Wilson:

RE: Application for Permit No. 29-7459 - Lava Ranch Partnership

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.

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Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

October 3, 1978

David C. Miller, M. D.
1448 East Center
P.O. Box 4904
Pocatello, Idaho 83201

Dear Sir:

RE: Application for Permit No. 29-7459 - Lava Ranch Partnership

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Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

October 3, 1978

Kathryn A. Fagnant
Arlin G. Olson
P. O. Box 644
Lava Hot Springs, Idaho 83246

RE: Application for Permit No. 29-7459 - Lava Ranch Partnership

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 3, 1978

Golden Avery, President
Jolene Johnson, Secretary
Lava Irrigation Company
Lava Hot Springs, Idaho 83246

RE: Application for Permit No. 29-7459 - Lava Ranch Partnership

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.

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Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

October 3, 1978

Leland and Maxine Avery
Lava Hot Springs,
Idaho 83246

RE: Application for Permit No. 29-7459 - Lava Ranch Partnership

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.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

C. Stephen Allred
Director

October 3, 1978

Gene Fagnant
Dean Day
Albert E. Roberts
Lynn Bowman
Topaz Irrigation Company
P. O. Box 293
Lava Hot Springs, Idaho 83246

RE: Application for Permit No. 29-7459 - Lava Ranch Partnership

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.

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 3, 1978

Lava Ranch Partnership
P. O. Box 365
Lava Hot Springs, Idaho 83246

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 29-7459. 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):

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

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Enclosures: 10

OCT 3 1978

Department of Water Resources
Eastern District Office

Sept. 29, 1978

Dear Mr. Allred,

I am a stockholder in the Sopay Irrigations Co. of Lava Hot Springs. I am writing in protest of the Notice of Application for water permit from Deer Creek for Lava Ranch Partnership, Lava Hot Springs, Idaho Application # 29-7459.

This water is part of our source of irrigating water and I am protesting the use for other purposes by storing.

Sincerely

D. Neil Hill
Lava Hot Springs
Box 6 Idaho
83246

Note: Received after protest date

OCT 2 1978

Lava Hot Springs
Idaho
30 Sept 78

Department of Water Resources
Eastern District Office

Dear Sir:

We read about the issuance of a water permit concerning the water from Deer Creek, on application #29-7459, Lava Ranch Partnership, Lava Hot Springs, Idaho. We live on Hempsley Creek, and this we affect our water for our farm. We would not like to have the Lava Ranch use the water for the purpose that they want. It belongs to the people who are already living in this area.

Sincerely
Mrs Mrs Jesse Wilson
Box 96

Lawn Hat Springs
Sept 30-1978

RECEIVED

OCT 2 1978

Department of Water Resources
Eastern District Office

Director C. Stephan Allred

Dear Sir

I am a water user from
Campsey Creek, and also am a stockholder
in the Topay Irrigation Company.

I want to protest against
application number 29-7459

Vance Casperson
Lawn Hat Spgs Idaho

RECEIVED

SEPT 2 1978

Department of Water Resources
Eastern District Office

Lava Hot Springs
Sept 30 1978

Director C. Stephan Allred

Dear Sir

I am a water user from
Dempsey Creek, and also am a stockholder
in the Topay Irrigation Company.

I want to protest against
Application Number 29-7459

Nathan M. Casperson
Lava Hot Springs
Utah

Lava Hot Springs, Idaho
June 30, 1978

Director of the Idaho Dept of Water Resources
1515 Lincoln Road
Idaho Falls,
Idaho 83401

RECEIVED

OCT 2 1978

Department of Water Resources
Eastern District Office

Dear Sir;

We would like to enter a protest against water application permit No. 29-7459, submitted by Lava Ranch Partnership of Lava Hot Springs, Id. asking to appropriate water from Deer Creek, which is a tributary to Dempsey Creek. Dempsey Creek is a tributary to Portneuf River.

Our and several neighbors irrigation water comes from Dempsey Creek and we feel that our filed rights should be studied and honored. Our livelihood is dependent upon the crops and pastures watered with Dempsey Creek water, and we wonder what effect this will have upon our irrigation water if the above permit is granted.

Sincerely,
Leland & Maxine Avery

RECEIVED

OCT 2 1978

Department of Water Resources
Eastern District Office

Lava Hot Springs
Idaho -
Sept. 30 - 1978

Director of the Idaho Water Resources,
1515 Lincoln Road
Idaho Falls, Idaho -

Dear Sir:- I would like to reply to the notice in the paper pertaining to application for permit for Lava Ranch Partnership, on application #29-7459 on Deer Creek.

I own a ranch on the creek of Dempsey - which Deer Creek is a tributary, on a normal year during the irrigation season we need the water to fill the existing right the are now permitted in the Decree book. Therefore I protest against the permit.

Sincerely Yours

Calvin A Russell

RECEIVED

Route 1
Lava Hot Springs, Idaho
Sept. 30, 78 83246

Steven Allred
Director of Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho
83401

RECEIVED

OCT 2 1978
Department of Water Resources
Eastern District Office

Dear Mr. Allred,

I have been told that a permit has been applied for (#29-7459) by the Lava Ranch Partnership to be used on Deer Creek of the Dempsey drainage south of Lava Hot Springs, Idaho.

As a water user from the Dempsey Tropic Irrigation Canal, I recommend that this application be denied. Water from this drainage is almost always in short supply during the peak water using months.

Since this water was filed on long ago for irrigation purposes I feel there is no justification for denying its use to the rightful owners and users.

Thankyou for your consideration.

Kenneth Andrews, Bishop
representing Lava Hot Springs Ward Welfare Fund

OCT 2 1978

Department of Water Resources
Eastern District Office

DAVID C. MILLER, M.D., P.A.
INTERNAL MEDICINE
1448 E. CENTER ST.
P. O. BOX 4904
POCATELLO, IDAHO 83201
TELEPHONE 233-4387

9-30-78

Dear Mr. Allred:

I wish to protest the proposed application # 297459 of the Lava Ranch Partnership is making on a branch stream of Dempsey Creek. My family have been stockholders in the Dempsey-Topsy Canal Co. since 1920. We have over 200 acres under irrigation on that canal system. Some years there is not enough water to go around for the filed water users on this system now. In 1977 our water was shut off around 1 July.

We also have a water right in the Portneuf river and Fish Creek. besides Dempsey Creek. I also have a irrigation right on the upper end of Fish Creek.

I do not feel that further application for water usage on Dempsey Creek stream flow should be allowed or permitted. Also stream flow obstacles on this drainage system should not be allowed to hold back water during the irrigating season. I can't see how developers of hill tops can file on water on streams filed on & used for the previous 50 to 70 yrs.

Yours truly,
David C. Miller, M.D.

P.O. Box 644

Lava Hot Springs, Idaho
September 30, 1978

C. Stephen Allred, Director
Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Sir:

This letter is to strongly protest Application #29-7459 by the
Lava Ranch Partnership to appropriate 11 acre feet per annum of
water from Deer Creek tributary to Portneuf River.

We are users of decreed water from this source for irrigation purposes,
priority date of 1881.

Thanks for your consideration.

Very truly yours,


Kathryn A. Fagnant
Kathryn Fagnant, Land Owner

Arlin G. Olson
Arlin G. Olson, Lessee

OCT 2 1978

Idaho Department of Water Resources
Idaho Falls Office



Lava Hot Springs
Idaho

Sept. 30 - 1978

Director of Idaho Water Resources
1515 Lincoln Road
Idaho Falls, Idaho

Gentleman:-

We the Lava Irrigation Co would like to register a protest to the filing of application No. 29-7459 registered by the Lava Ranch Partnership, for the appropriation of the Deer Creek tributary to the Portneuf river. Our reasoning for protesting are, 1. the Deer Creek tributary does not supply enough water for the filing and 2. our contention is that all tributaries to Portneuf river have been filed on and that this would be a gross error to set a precedent for the subsequent appropriations of other tributaries of said river.

Sincerely yours,

Golden Avery President
John Johnson Sect -

RECEIVED

OCT 2 1978

Department of Water Resources
Eastern District Office

P.O. Box 293
Lava Hot Springs, Idaho
September 30, 1978

RECEIVED

OCT 2 1978

Department of Water Resources
Eastern District Office

C. Stephen Allred, Director
Idaho Dept. of Water Resources
1515 Lincoln Rd.
Idaho Falls, Id 83401

Dear Sir:

As Directors of the Topaz Irrigation Company with 13.44 c.f.s. of water, priority date April 1, 1883 coming out of Dempsey Creek, a tributary of the Portneuf River, we wish to make the following protest.

We are strongly against the granting of Permit #29-7459 to appropriate 11 acre feet per annum of water from Deer Creek by the Lava Ranch Partnership of Lava Hot Springs, Idaho.

Thank you.

Very truly yours,

TOPAZ IRRIGATION COMPANY

Gene Fagnant
Dean Day
Albert E. Roberts

Lynn Bowman

1515 LINCOLN RD.
IDAHO FALLS, ID 83401

September 15, 1978

Mr. Thomas Bloxham, Watermaster
Water District # 29
Downey, Idaho 83234

Dear Mr. Bloxham:

RE: Application for Permit No. 29-7459 - LAVA RANCH

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and, if you have any comments, submit them to our Department as soon as possible. The last date of protest is October 2, 1978, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh
Enclosure





STATE OF IDAHO

DEPARTMENT OF FISH AND GAME

REGION 5
636 PERSHING, SUITE B
POCATELLO, IDAHO 83201

September 12, 1978

Mr. Ronald E. Carlson, Supervisor
Idaho Department of Water Resources
Eastern Region
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Ron:

Reference: Application for Permit #29-7459
Lava Ranch

Recently we received and were asked to review and comment on an application to appropriate water from Deer Creek, a tributary to the Portneuf River by Lava Ranch Partnership.

According to this application, the partnership wants to appropriate 11 acre feet for fish propagation and .07 cfs for stock water. This amount of water should have no significant impact on the fish population in this area.

Thank you for the opportunity to review this application.

Sincerely,

IDAHO DEPARTMENT OF FISH AND GAME
Joseph C. Greenley, Director

Bill Davidson
Bill Davidson, Supervisor
Region 5

RECEIVED

SEP 13 1978

Department of Water Resources
Eastern District

September 8, 1978

The Idaho State Journal
P. O. Box 431
Pocatello, Idaho 83201

RE: Applications for Permit No's 29-7459 - LAVA
29-7460 - LEIGHTON

Gentlemen:

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

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

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor

Bill submitted 9.27.78 by dh

RDC:ca
Enclosures: 2 Legal Notices

RECEIVED
SEP 11 1978
FBI - IDAHO

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Lava Ranch Partnership, Lava Hot Springs, Idaho, has submitted Application No. 29-7459 for a permit to appropriate 11 acre feet per annum of water from Deer Creek tributary to Portneuf River by means of a dam located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 10S, R. 38E, B.M., Bannock County; to be used from Jan 1 to Dec 31 for fish propagation within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 10S, R. 38E, B.M., and 0.07 cubic feet per second of water for stock-watering of up to 300 head of cattle and horses within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 10S, R. 38E, B.M. The water will be diverted to storage from No. 1 to June 1 each year.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before Oct. 2, 1978.

C. STEPHEN ALLRED
Director

Published in the Idaho State Journal, Pocatello, Idaho on Sept. 14 and 21, 1978.



September 6, 1978

C
O
P
Y

Mr. Bill Davidson, Supervisor
Idaho Department of Fish and Game
636 Pershing, Suite 1
Pocatello, Idaho 83201

Dear Mr. Davisdon:

RE: Application for Permit No. 29-7459 - Lava Ranch

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and, if you have any comments, submit them to our Department as soon as possible. The last date of protest is October 2, 1978, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh
Enclosure

RECEIVED
SEP 11 1978
FISH AND GAME
IDAHO

C
O
P
Y

September 6, 1978

Lava Ranch Partnership
P.O. Box 365
Lava Hot Springs, Idaho 83246

Dear Sirs:

RE: Application for Permit No. 29-7459

Attached herewith is Departmental receipt No. 11521 in the amount of \$20.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh
Attachment

11-2-78

GREAT BASIN ENGINEERING

3505 Grant Ave.
OGDEN, UTAH 84403

Phone 394-4515

LETTER OF TRANSMITTAL

TO STATE OF IDAHO
DEPT. OF WATER RESOURCES
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

DATE <u>8/29/78</u>	JOB NO.
ATTENTION <u>MR. ERNEST M. CARLSEN</u>	
RE: <u>APPLICATION FOR PERMIT</u> <u>LAVA RANCH PARTNERSHIP</u>	

GENTLEMEN:

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order

☒ APPLICATION FOR PERMIT
☒ CHECK FOR FILING FEE — \$20.00

COPIES	DATE	NO.	DESCRIPTION
1	8/29/78		APPLICATION FOR PERMIT

THESE ARE TRANSMITTED as checked below:

- ☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS IN REFERENCE TO YOUR LETTER OF
AUGUST 16, 1978, WE ARE SUBMITTING A
REVISED APPLICATION FOR PERMIT AND A
CHECK FOR \$20.00 FOR THE STATUTORY FILING
FEE.

THANK YOU,

COPY TO Dennis Bullock

SIGNED:

John A. Bradshaw

If enclosures are not as noted, kindly notify us at once.

COPY

Dear Mr. Huggins:

For your convenience we have enclosed a blank application for permit on which you can make these changes. Once you have completed the new application, please sign at the bottom of the third page and return it to our office with the statutory filing fee of \$20.00.

Sincerely,

ENC: dh
Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Lava Ranch Partnership

existing
☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) ARK 9/1/78

In form to receipt yes

(2) _____

Send Copies to:

☒ Idaho State Health Department
☒ Idaho Fish and Game Department
☒ Bureau of Land Management

(3) _____

☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
☐ Request Information from Applicant

(4) _____

In form for advertising yes

(5) _____

Platted on Map No. Topo

(6) _____

Located within Water District No. Basin 29

(7) _____

nila Critical groundwater area: yes _____ no _____

(8) _____

n/a Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use can

(10) _____

find no other water rights
Comments: none

(11) dh 9/27

Affidavit of Publication received (date) 9/27/78

(12) dh 10/02

Final date for protests OCT 2, 1978

Protests received: yes _____ no X

(13) _____

All requested information received from agencies or applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

9/6/78 Proposed Priority

Reason for Reduction _____

Measuring device required _____

☒ See attached sheet for other conditions of approval

_____ No special conditions for approval

RECEIVED

FEB 23 1982

Department of Water Resources

(15) District _____ By _____ Date _____

copy sent 9.6.78